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TITLE 16

PRACTICE, PROCEDURE, AND COURTS

(CHAPTERS 18-54 IN VOLUME 14B; CHAPTERS 55-89 IN VOLUME 15; CHAPTERS 90-128 IN VOLUME 16)

SUBTITLE 1. GENERAL PROVISIONS

CHAPTER.

1. GENERAL PROVISIONS.

SUBTITLE 2. COURTS AND COURT OFFICERS

CHAPTER.

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SUBTITLE 1. GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

SECTION.

- 16-1-101. Recidivism definition and reporting.

16-1-101. Recidivism definition and reporting.

(a) As used in this title, “recidivism” means a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with or without a new sentence during a three-year period following the person’s release from custody.

(b) An entity that makes a recidivism report under this title shall use the definition of recidivism in this section for purposes of the recidivism report.

History. Acts 2013, No. 1030, § 3.

A.C.R.C. Notes. Acts 2013, No. 1030, § 4, provided: “Temporary legislation.

“(a) The Department of Community Correction shall prepare a report on the number of persons under its supervision

for the last five (5) years who would be considered recidivists under the definition provided in this act.

“(b) The report shall be completed by October 1, 2013, and copies shall be sent to the Governor and Legislative Council.”

CHAPTER 4

UNIFORM INTERSTATE AND INTERNATIONAL PROCEDURE ACT

16-4-101. Personal jurisdiction of Arkansas courts.

CASE NOTES

ANALYSIS

Contacts Not Found.

Contracts.

Due Process.

—Contacts Not Found.

Foreign Company.

Contacts Not Found.

Motion to dismiss was granted because although plaintiff argued that general personal jurisdiction was satisfied because auto parts manufactured by defendants were ultimately included in cars sold extensively in the state, this “stream of commerce” argument was not an adequate basis for the exercise of general jurisdiction. *P.A.M. Transp., Inc. v. Faurecia Auto. Seating, Inc.*, — F. Supp. 2d —, 2011 U.S. Dist. LEXIS 124189 (W.D. Ark. Oct. 26, 2011).

Summary judgment was properly awarded to appellee, a resident of Hawaii, in an action for defamation filed by appellant, an Arkansas resident, because the exchange of an email between appellee and a resident of Mississippi did not meet the minimum-contacts test; exercise of jurisdiction would offend traditional notions of fair play and substantial justice. *Morris v. Christopher*, 2013 Ark. App. 312, — S.W.3d — (2013).

Contracts.

Questions of fact remained as to whether an Arizona shipping company and transportation brokerage and their presidents were subject to personal jurisdiction in Arkansas by virtue of their contracting with and allegedly defrauding an Arkansas trucking company for the transportation of food from Arizona to the East Coast. *Hotfoot Logistics v. Shipping Point Mktg.*, 2013 Ark. 130, — S.W.3d — (2013).

Due Process.

Based upon the allegations in the complaint and the employee’s affidavit that

his only contacts with Arkansas were by telephone and correspondence, the employee’s contacts with Arkansas were insufficient to establish minimum contacts so as to justify exercise of personal jurisdiction. *U.S. Bank N.A. ND v. Elender Escrow, Inc.*, — F. Supp. 2d —, 2011 U.S. Dist. LEXIS 134690 (E.D. Ark. Nov. 21, 2011).

Co-conspirators’ contacts with Arkansas were insufficient to establish the requisite minimum contacts to justify exercise of personal jurisdiction over them or conspiracy jurisdiction over their co-conspirators. Conspiracy jurisdiction only applied when at least one of the conspirators had minimum contacts with Arkansas in furtherance of the conspiracy and such contacts had not been pled. *U.S. Bank N.A. ND v. Elender Escrow, Inc.*, — F. Supp. 2d —, 2011 U.S. Dist. LEXIS 134690 (E.D. Ark. Nov. 21, 2011).

Personal jurisdiction based on the conspiracy theory did not violate due process. As such, the use of the conspiracy theory of in personam jurisdiction does not violate this section, Arkansas’s long arm statute. *Gibbs v. Primelending*, 2011 Ark. 255, 381 S.W.3d 829 (2011).

Court properly exercised personal jurisdiction over the judgment debtors, because the complaint arose out of and was directly related to the 2003 judgments, which were entered in Arkansas and remain unsatisfied; the debtors entered into or guaranteed several loan contracts with an Arkansas bank and pledged Arkansas real estate as collateral, and the debtors defaulted on the loans and an Arkansas court entered judgments against them. *Hauser v. Sims*, 2012 Ark. App. 295, — S.W.3d — (2012).

—Contacts Not Found.

District court did not have personal jurisdiction over defendants, an Iowa citizen and limited liability company, because

the only contact with Arkansas was a single meeting by the parties in Arkansas; because defendants' trip to Arkansas (and their failure to obtain permission to use plaintiff's mark) did not cause or otherwise precipitate the alleged infringement, and nothing in the record showed any other connection to Arkansas, the contact with Arkansas was insufficient to permit the exercise of personal jurisdiction consistent with the Due Process Clause. *Pangaea, Inc. v. Flying Burrito LLC*, 647 F.3d 741 (8th Cir. 2011).

Foreign Company.

Arkansas did not have general jurisdiction over a Japanese manufacturer pursu-

ant to subdivision (B) of this section in a wrongful-death suit arising from a tractor accident because the manufacturer was not itself doing business in Arkansas and did not dominate and control its American subsidiary, which sold tractors in Arkansas through authorized dealers, such that personal jurisdiction could be predicated on an alter ego relationship. *Yanmar Co., Ltd. v. Slater*, 2012 Ark. 36, 386 S.W.3d 439 (2012), rehearing denied, — S.W.3d —, 2012 Ark. LEXIS 129 (Ark. Mar. 8, 2012).

SUBTITLE 2. COURTS AND COURT OFFICERS

CHAPTER 10

GENERAL PROVISIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.
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3. UNIFORM FILING FEES AND COURT COSTS.
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SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 16-10-119. Travel expenses of judges.
 16-10-127. [Repealed.]
 16-10-137. Administrative Office of the Courts — Annual report.

SECTION.

- 16-10-138. [Repealed.]

16-10-108. Contempt.

CASE NOTES

ANALYSIS

Actions Constituting Contempt.
 —Disobeying Order.
 Due Process.

Actions Constituting Contempt.

—Disobeying Order.

In a criminal contempt case under sub-

division (a)(3) of this section, substantial evidence supported the trial court's determination that defendant willfully violated the court's orders requiring her to make restitution payments because defendant testified that she received a monthly disability check in the amount of \$633 but did not use the money to make restitution payments. *Summers v. State*, 2012 Ark. App. 247, — S.W.3d — (2012).

Due Process.

Circuit court erred in holding an attorney in contempt for obtaining its signature on an amended judgment and commitment order by misrepresenting the state's approval and consent because a letter the circuit court addressed to the attorney provided adequate notice that a hearing would occur, but it did not give the attorney adequate notice that criminal contempt charges were pending

against her; both Arkansas law and the Fourteenth Amendment to the United States Constitution were clear that the attorney was entitled to notice not only that the circuit court was investigating the possibility of her misrepresentation but also that it was considering holding her in criminal contempt for alleged misrepresentation. *Bloodman v. State*, 2010 Ark. 169, 370 S.W.3d 174 (2010).

16-10-110. Seals.**CASE NOTES**

Cited: *Unimeks, LLC v. Purolite*, 2012 Ark. 20, 386 S.W.3d 419 (2012).

16-10-119. Travel expenses of judges.

(a) From the appropriation provided to the Auditor of State for trial judges' expenses, a circuit judge is authorized to be reimbursed for those travel expenses at the rate as authorized for state employees and for mileage at the rate established in the state travel regulations for state employees while traveling within the state in the performance of their official duties.

(b) When a circuit judge is appointed by the Chief Justice to hear a case or cases in a jurisdiction outside of that in which he or she is elected, he or she shall be entitled to reimbursement for travel expenses and mileage as provided in subsection (a) of this section.

History. Acts 1993, No. 4, § 7; 1995, No. 3, § 5; 1997, No. 496, § 1; 2011, No. 274, § 2.

A.C.R.C. Notes. Acts 2011, No. 274, § 1, provided: "Legislative intent.

"(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

"(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

"(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification."

Amendments. The 2011 amendment inserted "to the Auditor of State" in (a); and added (b).

16-10-127. [Repealed.]

Publisher's Notes. This section, concerning court interpreters, was repealed by Acts 2013, No. 237, § 1. The section

was derived from Acts 1981, No. 477, §§ 1-3; A.S.A. 1947, §§ 22-151 — 22-153; Acts 2001, No. 424, § 1.

16-10-133. Trial court staff.

A.C.R.C. Notes. Acts 2011, No. 926, § 3, provided: “RATE OF PAY. The entry level salary of a trial court staff person shall be equal to that established in the state pay plan at grade C117.”

Acts 2011, No. 926, § 4, provided: “CERTIFICATION. Any Trial Court Administrative Assistant who is or becomes certified by the National Center for State Courts as a certified Court Manager shall be entitled to have the annual salary for which he or she is eligible to be increased by ten percent (10%), which shall not exceed the maximum amount for the grade assigned.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

Acts 2012, No. 245, § 3, provided: “RATE OF PAY. The entry level salary of a trial court staff person shall be equal to that established in the state pay plan at grade C117.”

Acts 2012, No. 245, § 4, provided: “CERTIFICATION. Any Trial Court Administrative Assistant who is or becomes certified by the National Center for State

Courts as a certified Court Manager shall be entitled to have the annual salary for which he or she is eligible to be increased by ten percent (10%), which shall not exceed the maximum amount for the grade assigned.

“The provisions of this section shall be in effect only from July 1, 2012 through June 30, 2013.”

Acts 2013, No. 1307, § 3, provided: “RATE OF PAY. The entry level salary of a trial court staff person shall be equal to that established in the state pay plan at grade C117.”

Acts 2013, No. 1307, § 4, provided: “CERTIFICATION. Any Trial Court Administrative Assistant who is or becomes certified by the National Center for State Courts as a certified Court Manager shall be entitled to have the annual salary for which he or she is eligible to be increased by ten percent (10%), which shall not exceed the maximum amount for the grade assigned.

“The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014.”

16-10-137. Administrative Office of the Courts — Annual report.

(a) On July 31 of each year, the Administrative Office of the Courts shall submit an annual report to the Legislative Council showing the number of persons charged in circuit court for each criminal offense classification, comparing the state and each judicial district.

(b) The report shall include a breakdown by race of all persons charged in each criminal offense classification.

(c) The report shall include the same data for those cases in which a final disposition has been entered by the court.

History. Acts 2003, No. 1031, § 3; 2011, No. 1132, § 1.

Amendments. The 2011 amendment, in (a), substituted “On July 31 of each year” for “Beginning July 21, 2003, and on

July 31 of each year thereafter” and deleted “and the Commission on Disparity in Sentencing” following “Legislative Council.”

16-10-138. [Repealed.]

Publisher’s Notes. This section, concerning mandatory reporter training, was repealed by Acts 2013, No. 375, § 1. The

section was derived from Acts 2007, No. 703, § 13.

SUBCHAPTER 2 — ACCOUNTING PRACTICES

SECTION.

- 16-10-202. Definitions.
- 16-10-204. Bank accounts for court funds.
- 16-10-205. Citations.
- 16-10-206. Court docket.
- 16-10-207. Police department and marshals' and sheriffs' offices — Activities and clerical duties required.

SECTION.

- 16-10-208. Court clerk or court administrator — Eligibility.
- 16-10-209. Court clerk — Activities and clerical duties.
- 16-10-211. Record retention schedule.

Effective Dates. Acts 2011, No. 1174, § 10: Jan. 1, 2012.

Acts 2013, No. 282, § 17: Mar. 6, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could

cause irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

16-10-202. Definitions.

As used in this subchapter:

- (1) "Citation" means a written order or electronic ticket issued by a law enforcement officer or employee of the department of public safety of a city or incorporated town who is authorized to make an arrest, requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time;
- (2) "Court" means a district court in the State of Arkansas; and
- (3) "Electronic ticket" means an electronic citation or warning printed by a law enforcement officer and issued to a person accused of violating the law.

History. Acts 1977, No. 332, § 2; A.S.A. 1947, § 22-1102; Acts 2003, No. 1185, §§ 46, 47; 2007, No. 663, § 22; 2011, No. 908, §§ 1, 2; 2011, No. 1174, § 1.

Amendments. The 2011 amendment by No. 908 inserted (1) and (3) and redesignated the remaining subdivision accordingly; and deleted "unless the context oth-

erwise requires" from the end of the introductory language.

The 2011 amendment by No. 1174 inserted (1) and (3) and redesignated the remaining subdivision accordingly; and deleted "unless the context otherwise requires" at the end of the introductory language.

16-10-204. Bank accounts for court funds.

(a)(1) Each municipal police department and each city or town marshal shall maintain court funds separately in depositories approved for those specific purposes by law.

(2) Court funds must be deposited into an account styled "(Name of Municipality) Police Department Bond and Fine Account", and the funds shall be disbursed only on the signature of the chief of police or marshal of the municipality and the signature of one (1) other authorized person.

(b)(1) Each office of county sheriff shall maintain court funds separately in depositories approved for those specific purposes by law.

(2) Court funds must be deposited into an account styled "(Name of County) County Sheriff's Bond and Fine Account", and the funds shall be disbursed only on the signature of the sheriff of the county and the signature of one (1) other authorized person.

(c)(1) Each court shall maintain court funds separately in depositories approved for those specific purposes by law.

(2) Court funds must be deposited into an account styled "(Name of Court) Court Account", and the funds shall be disbursed only upon the signature of the court clerk and the signature of one (1) other person to be authorized by the court's presiding judge.

(d) All disbursements from the accounts in this section must be evidenced by prenumbered checks.

(e) Subsections (a) and (b) of this section do not apply if the court clerk has been designated to be primarily responsible for the collection of fines under § 16-13-709.

History. Acts 1977, No. 332, § 3; A.S.A. 1947, § 22-1103; Acts 2011, No. 1174, § 2.

Amendments. The 2011 amendment deleted former (a) and redesignated the remaining subsections accordingly; added

"maintain court funds separately in depositories approved for those specific purposes by law" in present (a)(1), (b)(1), and (c)(1); and added present (d) and (e).

16-10-205. Citations.

(a) Each municipal police department, city or town marshal, and county sheriff's office shall maintain and issue uniform written citations or electronic citations for violation of all municipal and state laws.

(b)(1) All uniform written citation books must be prenumbered by the printer and a printer's certificate shall be furnished to the police department, marshal's office, or sheriff's office, and the certificate shall be made available for inspection.

(2) The certificate must state the printing date, the numerical sequence of citations printed, and the printer's name.

(c) All void or spoiled written citations must be accounted for by attaching all copies to the hard copy in the uniform citation book.

(d)(1) All written citations must have at least an original and three (3) copies used and distributed as follows:

(A) Hard copy: Violator's copy;

(B) White copy: Police department, marshal's office, or sheriff's office copy;

(C)(i) Yellow copy: Court clerk's copy, to be forwarded to the Office of Driver Services of the Department of Finance and Administration as provided in this subdivision (d)(1)(C).

(ii) Within five (5) business days after a conviction or forfeiture of bail of a person charged with a violation of any law regulating the operation of vehicles on a highway, § 3-3-203(a) or § 5-27-503(a)(3), the clerk shall forward the yellow copy covering the case in which the person was convicted or forfeited bail.

(iii) The yellow copy shall be certified by the person required to prepare it and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail was forfeited, and the amount of the fine or forfeiture.

(iv) Within five (5) business days after the disposition of any case, the clerk shall forward the yellow copy of the citation and the resulting disposition of the case.

(v) A court using the case management system provided by the Administrative Office of the Courts or the electronic reporting system of the Office of Driver Services is not required to submit the yellow copy to the Office of Driver Services but must enter the disposition or judgment of conviction into the case management system or the electronic reporting system within the time required in this section; and

(D) Pink copy: Remains in uniform citation book.

(2) The citations shall be given to the police department, marshal's office, sheriff's office, or court clerk at least seven (7) business days before the court date.

(e) If an electronic citation is used:

(1) A printed copy of the electronic citation must be given to the violator;

(2) A copy of the electronic citation must be maintained by the issuing police department, marshal's office, or sheriff's office; and

(3)(A) A copy of the electronic citation must be forwarded to the court clerk in either electronic or written format, as designated by the court clerk, at least seven (7) business days before the court date.

(B) The court clerk's copy shall be forwarded to the Office of Driver Services as provided in subdivision (d)(1)(C) of this section.

(f) If an electronic citation system is used, the system must be in compliance with the Information Systems Best Practices Checklist provided by the Legislative Joint Auditing Committee.

(g) Controls for citations.

(1) A list of all uniform written citation books and the corresponding range of citations in each book shall be kept in the police department, office of city or town marshal, or sheriff's office.

(2) The chief of police, marshal, or sheriff shall issue the uniform written citation books, unless the chief of police, marshal, or sheriff designates in writing another person to perform this duty.

(3) The chief of police, marshal, or sheriff shall ensure that all citations issued are entered on the arrest report or in the electronic case management system.

(4) Upon completion, each uniform written citation book shall immediately be filed with the court clerk and made available for inspection.

(5) Upon case adjudication, the police department, office of city or town marshal, or sheriff's office shall file its copy of the citation either alphabetically or numerically.

History. Acts 1977, No. 332, § 4; A.S.A. 1947, § 22-1104; Acts 2009, No. 456, § 1; 2011, No. 44, § 1; 2011, No. 908, § 3; 2011, No. 1174, § 3.

Amendments. The 2011 amendment by No. 44, in (d)(1)(C)(v), inserted "or the electronic reporting system of the Office of Driver Services" and "or the electronic reporting system."

The 2011 amendment by No. 908 inserted "written or electronic" in (a); inserted "written" following "All" at the beginning of (b), (c), and (d)(1); and added (e).

The 2011 amendment by No. 1174 substituted "Citations" for "Uniform traffic tickets" in the section heading; substi-

tuted "written citations or electronic citations" for "traffic ticket books, sometimes called citation books, summons books, or ticket books" in (a); in (b)(1), substituted "written citation" for "traffic ticket" and deleted "or other evidence" following "the certificate"; inserted (b)(2); in (c), substituted "written citations" for "tickets" and "uniform citation" for "traffic ticket"; substituted "written citations" for "uniform traffic ticket books" in the introductory language of (d)(1); in (d)(1)(C)(v), inserted "or the electronic reporting system of the Office of Driver Services" and "or the electronic reporting system"; rewrote (d)(2); and added (e) through (g).

16-10-206. Court docket.

(a) All violations shall be docketed and all judgments shall be rendered by the court's presiding judge.

(b) The court docket shall reflect the complete history of the violation and the disposition of each case, and shall contain the following information:

- (1) The citation number;
- (2) The date and nature of the violation;
- (3) The date the court convened to hear the case;
- (4) The names of arresting officers and witnesses, if any;
- (5) The judgment rendered by the court;
- (6) The signature or initials of the judge;
- (7) The total amount of the fine and costs;
- (8) The receipt number and dollar amount evidencing payment of fine and costs; and

(9) If applicable, the check number and dollar amount evidencing authorized bond refund. The check itself will indicate the docket number evidencing authorization.

(c) The docket shall be numbered by the court clerk in accordance with the Rules of the Supreme Court and Court of Appeals of the State of Arkansas.

(d)(1) For manual dockets, the docket pages shall be prenumbered by the printer, and a printer's certificate or other evidence shall be

furnished to the court's clerk which shall be made available for inspection.

(2) Docket pages must be either bound or loose-leaf, provided that accountability and control are maintained over loose-leaf docket pages.

(e) For manual or electronic dockets, the docket pages shall be numbered independently of court docket numbers assigned by the court clerk.

(f) The court clerk shall keep separate court dockets, one (1) for city cases and one (1) for county cases.

History. Acts 1977, No. 332, § 5; A.S.A. 1947, § 22-1105; Acts 2005, No. 1934, § 2; 2011, No. 1174, § 4.

Amendments. The 2011 amendment deleted "sheet" following "The court docket" in the introductory language of (b); substituted "citation number" for "uni-

form traffic ticket number" in (b)(1); in (b)(7), inserted "total" and deleted "itemized" following "costs"; inserted "For manual dockets" in (d)(1); inserted present (d)(2); and deleted former (e) and redesignated former (d)(2) as present (e).

16-10-207. Police department and marshals' and sheriffs' offices — Activities and clerical duties required.

The following activities and clerical duties relating to court functions shall be required of all police departments, city or town marshals, and sheriffs' offices:

(1) Preparation and Submission of Arrest Report.

(A) Separate arrest reports shall be prepared for city cases and county cases.

(B) The arrest report shall contain the following information:

(i) Citation number;

(ii) Violator's name;

(iii) Nature of the offense;

(iv) Name of the arresting officer;

(v) Receipt number, if applicable;

(vi) Fine and costs collected, if applicable; and

(vii) Any other additional information deemed appropriate or necessary.

(C) Before the court date, the arrest report shall be prepared from the citations accumulated in the court date file in the police department office, marshal's office, or sheriff's office.

(D) If applicable, the fine and costs collected shall be totaled, and a check shall be drawn payable to the court fund that represents moneys collected and receipts issued by the police department, marshal's office, or sheriff's office for those citations contained on the arrest report.

(E) A completed copy of the arrest report accompanied by the police department's, marshal's office, or sheriff's office check, if applicable, shall be delivered to the court clerk at least seven (7) business days before the court date;

(2) Collection, Receipt, and Deposit Procedures.

(A) This subdivision (2) does not apply if the court clerk has been designated to be primarily responsible for the collection of fines under § 16-13-709.

(B) A prenumbered receipt must be issued for all moneys collected.

(C) Prenumbered manual receipts must meet the following minimum standards:

(i) All receipt books must be prenumbered by the printer, and a printer's certificate shall be furnished to the police department, marshal's office, or sheriff's office, which shall be made available for inspection;

(ii) The certificate must state the printing date, the numerical sequence of receipts printed, and the printer's name; and

(iii) All void or spoiled receipts must be accounted for by attaching the original copy of the receipt to the duplicate copy of the receipt in the receipt book, with the reason for the void or spoiled receipt documented and retained for audit purposes.

(D) If an electronic receipting system is used, the system must be in compliance with the Information Systems Best Practices Checklist provided by the Legislative Joint Auditing Committee.

(E) The receipt shall be issued in the name of the violator regardless of who paid the bond or fine or who collected the bond or fine and must indicate the method of payment, such as cash, check, money order, or credit card.

(F)(i) Receipts shall be deposited intact daily into the bank account maintained by the police department, marshal's office, or sheriff's office.

(ii) All receipt numbers shall be entered on the arrest report by the police department, marshal's office, or sheriff's office.

(G) The police department, marshal's office, or sheriff's office may maintain separate bank accounts for city cases and county cases.

(H)(i) The bank deposit slips prepared by the police department, marshal's office, or sheriff's office shall contain the range of receipt numbers evidencing such collections.

(ii) In addition, the receipts issued shall be reconciled with the monthly bank deposits.

(I) A bank reconciliation shall be made at the end of each month, and any balance remaining in the bank account shall be identified with receipts issued but not yet entered on the arrest report.

(J)(i) A cash receipts journal or electronic receipts listing shall be established.

(ii) The receipts journal or electronic receipts listing must indicate the receipt number, receipt date, violator's name, amount of the receipt, and classification of the receipt.

(iii) The receipts journal or electronic receipts listing shall be properly balanced and totaled monthly and on a year-to-date basis.

(iv) The receipts journal or electronic receipts listing shall be reconciled monthly to total bank deposits as shown on the bank statements.

(K)(i) A cash disbursements journal or electronic check register shall be established.

(ii) The disbursements journal or electronic check register must indicate the date, payee, check number, amount for each check written, and the classification of the disbursement.

(iii) The disbursements journal or electronic check register shall be properly balanced and totaled monthly and on a year-to-date basis.

(iv) The disbursements journal or electronic check register shall be reconciled monthly to total bank disbursements as indicated on the bank statements.

History. Acts 1977, No. 332, § 6; A.S.A. 1947, § 22-1106; Acts 2007, No. 627, § 1; 2009, No. 456, § 2; 2011, No. 1174, § 5.

Amendments. The 2011 amendment rewrote the section.

16-10-208. Court clerk or court administrator — Eligibility.

The court clerk or court administrator shall not be a member of the police department, marshal's office, or sheriff's office.

History. Acts 1977, No. 332, § 7; A.S.A. 1947, § 22-1107; Acts 2011, No. 1174, § 6.

Amendments. The 2011 amendment inserted "or court administrator."

16-10-209. Court clerk — Activities and clerical duties.

The following activities and clerical duties relating to court functions shall be required of all court clerks:

(1) COLLECTION, RECEIPT, AND DEPOSIT PROCEDURES.

(A) A prenumbered receipt must be issued for all moneys collected.

(B) Prenumbered manual receipts must meet the following minimum standards:

(i) All receipt books must be prenumbered by the printer, and a printer's certificate shall be furnished to the court clerk, which shall be made available for inspection;

(ii) The certificate must state the printing date, the numerical sequence of receipts printed, and the printer's name; and

(iii) All void or spoiled receipts must be accounted for by attaching the original copy of the receipt to the duplicate copy of the receipt in the receipt book, with the reason for the void or spoiled receipt documented and retained for audit purposes.

(C) If an electronic receipting system is used, the system must be in compliance with the Information Systems Best Practices Checklist provided by the Legislative Joint Auditing Committee.

(D)(i) For those checks forwarded with the arrest reports, the receipt shall be issued in the name of the police department, marshal's office, or sheriff's office.

(ii) For those receipts issued at court date, the court clerk shall issue such receipts in the name of the defendant, regardless of who paid the bond or fine or who collected the bond or fine, indicating on the receipt the method of payment, such as cash, check, money order, or credit card.

(E) Receipts shall be deposited intact daily into the separate bank account maintained by the court clerk.

(F)(i) The bank deposit slips prepared by the court clerk shall contain the range of receipt numbers evidencing such collections.

(ii) Additionally, the receipts issued shall be reconciled with the monthly bank deposits.

(G) A bank reconciliation shall be made at the end of each month, and any balance remaining in the bank account shall be identified with receipt numbers for cases not yet adjudicated and the payments made on all unpaid individual time accounts.

(H) The court clerk may maintain separate bank accounts for city cases and for county cases.

(2) PREPARATION AND SUBMISSION OF DISTRIBUTION REPORT.

(A) The distribution report shall contain the following information:

- (i) The citation number;
- (ii) The defendant's name;
- (iii) The nature of the offense;
- (iv) The name of arresting officer;
- (v) The court docket number;
- (vi) The disposition or date continued;
- (vii) The receipt number;
- (viii) The total fine and costs collected;
- (ix) The fine;
- (x) The fees and costs itemized;
- (xi) The bond refund amount;
- (xii) The bond refund check number; and
- (xiii) The installment payment amount.

(B) The court clerk at each court date shall prepare the distribution report from the arrest report supplied by the police department, marshal's office, or sheriff's office.

(C) At the end of each court date, the court clerk shall complete the distribution report for the court date and total the dollar amounts contained in the report.

(D) The distribution reports prepared each court date shall be summarized at least monthly.

(E) The court clerk shall make a direct monetary settlement on or before the tenth day of the next-following month with each of the following:

- (i) The city treasurer;
- (ii) The county treasurer;
- (iii) The Administration of Justice Funds Section of the Department of Finance and Administration; and
- (iv) Any other state agency or entity which receives fines or fees assessed by the court and collected pursuant to law.

(3) MINIMUM BOOKKEEPING REQUIREMENTS.

(A)(i) The court clerk shall maintain a cash receipts journal or electronic receipts listing.

(ii) The court clerk may maintain separate cash receipts journals or electronic receipts listings for city cases and county cases.

(iii) The receipts journal or electronic receipts listing must indicate the receipt number, receipt date, violator's or payor's name, amount of the receipt, and classification of the receipt.

(iv) The receipts journal or electronic receipts listing shall be properly balanced and totaled monthly and on a year-to-date basis.

(v) The receipts journal or electronic receipts listing shall be reconciled monthly to total bank deposits as shown on the bank statements.

(B)(i) The court clerk shall maintain a cash disbursements journal or electronic check register.

(ii) The court clerk may maintain separate cash disbursements journals or electronic check registers for city cases and county cases.

(iii) The disbursements journal or electronic check register must indicate the date, payee, check number, amount for each check written, and classification of the disbursement.

(iv) The disbursements journal or electronic check register shall be properly balanced and totaled monthly and on a year-to-date basis.

(v) The disbursements journal or electronic check register shall be reconciled monthly to total bank disbursements as indicated on the bank statements.

(4) BOND REFUNDS.

(A) All bond refunds shall be made only upon the authorization of the presiding judge and shall be indicated as such on the court docket.

(B)(i) All bond refunds shall be made only by a check drawn on the court's bank account.

(ii) Additionally, the check shall indicate the court docket number for authorization.

(C) The court clerk shall enter all bond refunds on the applicable distribution report.

(5) INSTALLMENT PAYMENTS.

(A) Installment payments shall be allowed only upon the authorization of the presiding judge and shall be indicated as such on the court docket.

(B)(i) The court clerk shall establish and maintain individual installment payment account ledger records, with a duplicate copy of the ledger record being furnished to and maintained by the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts.

(ii) The ledger records shall contain the following minimum information:

- (a) Name of the individual;
- (b) Court docket number and court date;
- (c) Nature of the violation;
- (d) Total fine and costs assessed;
- (e) Receipt number, date, and amount of payment; and
- (f) Unpaid balance of fine, fees, and costs.

(C) The county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts shall be responsible for collecting all installment payments and shall enter all collected installment payments on each applicable arrest or distribution report.

(D)(i) The court clerk shall establish and maintain a control total for installment payments, which is a summary of all unpaid individual installment payment accounts.

(ii) The control total shall be reconciled monthly with the individual installment payment accounts.

(E)(i) The court clerk shall furnish the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and the presiding judge monthly with a list of all unpaid installment payment accounts for which a payment has not been received within the past thirty (30) days.

(ii) The presiding judge shall then take the necessary action deemed appropriate in the circumstances.

(F)(i) All installment payments shall initially be deemed to be collections of court costs until the court costs have been collected in full, with any remaining installment payments representing collections of restitution, and then fines.

(ii) If court costs, restitution, and fines are fully paid, all remaining installment payments shall be allocated to remaining amounts due.

(iii) A municipal or county governing body that adopted municipal or county legislation before July 1, 2012, to provide an alternative method of installment payment allocation as then authorized by state law shall remain in effect until repealed.

(6) RECONCILIATION OF COMPLETED CITATION BOOKS.

(A) The court clerk shall reconcile on a quarterly basis on or before the fifteenth day of the month following the end of the calendar quarter the individual citations in the completed citation book to the individual citations as reflected on the arrest reports or court dockets.

(B)(i) For any discrepancies noted in the reconciliation in subdivision (6)(A) of this section, the court clerk shall prepare a list and present this list to the court's judge for his or her appropriate action.

(ii) This list shall be maintained for audit purposes.

(C) If the court clerk is designated under § 16-13-709 to be primarily responsible for the collection of fines, the reconciliation of completed citation books described in this subdivision (6) shall be performed by someone outside of the court clerk's office as determined by the court judge.

History. Acts 1977, No. 332, § 7; 1985, No. 677, §§ 1, 2; 1985, No. 776, §§ 1, 2; A.S.A. 1947, § 22-1107; Acts 1991, No. 904, § 21; 1997, No. 788, § 3; 1997, No. 1341, § 3; 1999, No. 1081, §§ 1, 2; 1999, No. 1508, § 7; 2003, No. 1765, § 7; 2005, No. 1934, § 3; 2011, No. 1174, § 7; 2013, No. 282, § 3.

Amendments. The 2011 amendment by No. 1174 rewrote the section.

The 2013 amendment rewrote (5)(F)(ii); and added (5)(F)(iii).

16-10-211. Record retention schedule.

(a) All towns, cities, and counties of the State of Arkansas shall maintain records for the district courts and are to:

(1) Permanently maintain:

(A) Case indices for all courts;

(B) Case dockets for all courts;

(C) Active warrants;

(D) Waivers;

(E) Expungement and sealed records;

(F) Files concerning convictions under the Omnibus DWI Act, § 5-65-101 et seq.; and

(G) Domestic battering files;

(2) Maintain for a period of at least seven (7) years and in no event dispose of before being audited:

(A) Complete case files and written exhibits for all courts;

(B) Show cause orders;

(C) Case information, including arrest reports and affidavits; and

(D) Files concerning cases resulting in a suspended imposition of sentence; and

(3) Maintain for a period of at least three (3) years and in no event dispose of before being audited:

(A) Bank reconciliations;

(B) Check book registers and check listings;

(C) Cancelled checks;

(D) Bank statements;

(E) Receipts;

(F) Deposit collection records;

(G) Receipts listings;

(H) Distribution reports;

(I) Receipt and disbursement journals;

(J) Time payment records;

(K) Citation book logs;

(L) Citation books from each police department and sheriff's office;

(M) Served warrants;

(N) Copies of citations;

(O) Alternative service or community service time sheets;

(P) Uniform filing fees collection remittance forms and fine report; and

(Q) Miscellaneous fee and fine collection reports.

(b) After a town, city, or county has maintained records for the time periods required by subdivisions (a)(2) or (3) of this section and after the records described in subdivisions (a)(2) or (3) of this section have been audited, the records may be destroyed.

(c) When records are destroyed under subsection (b) of this section, the town, city, or county shall document the destruction by the following procedure:

(1) An affidavit is to be prepared stating:

(A) Which records are being destroyed and to which period of time the records apply; and

(B) The method of destruction; and

(2) The affidavit is to be signed by the town, city, or county employee performing the destruction and one (1) employee of the governing body or, if applicable, governing bodies that contribute to the expenses of the court.

(d) In addition to the procedure described in subsection (c) of this section, the approval of the governing body or, if applicable, governing bodies that contribute to the expenses of the court shall be obtained before the destruction of district court records and an appropriate note of the approval indicated in the minutes of the governing body or bodies along with the destruction affidavit.

History. Acts 2007, No. 627, § 3; 2009, No. 633, § 6; 2011, No. 1174, § 8.

Amendments. The 2011 amendment rewrote (a); deleted former (c)(2)(A) and (d)(1) and redesignated the remaining

subdivisions accordingly; and, in present (c)(2), deleted “For district court records” at the beginning and deleted “described in subdivision (c)(1) of this section” following “affidavit.”

SUBCHAPTER 3 — UNIFORM FILING FEES AND COURT COSTS

SECTION.

- 16-10-305. Court costs.
- 16-10-306. Administration of Justice Funds Section.
- 16-10-307. County administration of justice fund.
- 16-10-308. City administration of justice fund.

SECTION.

- 16-10-310. State Administration of Justice Fund — Distribution of revenue.
- 16-10-312. [Repealed.]

Effective Dates. Acts 2013, No. 282, § 17: Mar. 6, 2013. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could cause irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the

expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2013, No. 504, § 5: Mar. 26, 2013. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could cause irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the

public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time

during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

16-10-305. Court costs.

(a) There shall be levied and collected the following court costs from each defendant upon each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) In circuit court, one hundred fifty dollars (\$150) for a misdemeanor or felony violation of state law, excluding a violation of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(2) In district court, one hundred dollars (\$100) for an offense that is a misdemeanor or violation of state law, excluding a violation of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(3) In circuit court or district court, seventy-five dollars (\$75.00) for a traffic offense that is a misdemeanor or violation under state law or local ordinance, excluding a violation of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(4) In district court, for a nontraffic offense that is a misdemeanor or violation under local ordinance, twenty-five dollars (\$25.00);

(5) In circuit court or district court, three hundred dollars (\$300) for violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(6)(A) In circuit court or district court, three hundred dollars (\$300) for possessing less than four ounces (4 oz.) of a Schedule VI controlled substance.

(B) One hundred fifty dollars (\$150) of the court costs collected under subdivision (a)(6) of this section shall be remitted to the Treasurer of State by the court clerk for deposit into the Drug Abuse Prevention and Treatment Fund for the Division of Behavioral Health Services to be used exclusively for drug courts or other substance abuse and prevention activities; and

(7) In circuit court or district court, twenty-five dollars (\$25.00) for a violation of the mandatory seat belt use law, § 27-37-701 et seq., and for failure to present proof of insurance at the time of a traffic stop, §§ 27-22-103, 27-22-104, and 27-22-111.

(b)(1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.

(2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, city, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

(d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

(e) This section shall become effective July 1, 2001, and the revised court costs shall be imposed on all cases which come before the court for final disposition on or after July 1, 2001.

(f)(1) There shall be levied and collected from each defendant who pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in city court on or before December 31, 2011, the court costs applicable in city court at that time.

(2) The court costs applicable in district court shall be levied and collected in all cases filed in city court in which a defendant pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in district court on or after January 1, 2012.

(g) For each conviction for an offense under § 5-26-301 et seq., an additional court cost of twenty-five dollars (\$25.00) shall be assessed and remitted to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration by the court clerk for deposit into the Domestic Peace Fund, § 19-6-491.

History. Acts 1995, No. 1256, § 7; § 49; 2007, No. 663, § 25; 2011, No. 730, 1997, No. 788, § 4; 1997, No. 1341, § 4; § 4; 2011, No. 1218, § 1; 2013, No. 282, 1999, No. 1081, §§ 3, 12; 1999, No. 1508, § 4; 2013, No. 1107, § 12; 2013, No. 1357, § 7; 2001, No. 1632, § 1; 2003, No. 1185, § 1.

Amendments. The 2011 amendment by No. 730 inserted (a)(6).

The 2011 amendment by No. 1218 rewrote (a).

The 2013 amendment by No. 282 substituted “violation” for “violations” and variations thereof throughout the section; in the introductory language of (a)(2) and (a)(3) and in (a)(4), substituted “an offense” for “offenses” and substituted “is a misdemeanor or violation” for “are misdemeanors or violations”; in (a)(4), substituted “In district court, for a” for “For” and deleted “in district court” following “ordi-

nance”; in (a)(6)(A), substituted “In circuit court or district court, three hundred dollars (\$300) for” for “For knowingly” and deleted “in circuit court, district court, or city court, three hundred dollars (\$300)”; inserted “of this section” in (a)(6)(B); and added (a)(7).

The 2013 amendment by No. 1107 substituted “Division of Behavioral Health Services” for “Office of Alcohol and Drug Abuse Prevention” in (a)(6)(B).

The 2013 amendment by No. 1357 added (g).

16-10-306. Administration of Justice Funds Section.

(a) There is created in the Department of Finance and Administration an Administration of Justice Funds Section.

(b) The court costs and filing fees enumerated in §§ 16-10-305, 16-17-705, and 21-6-403, which are assessed and collected in the district courts and circuit courts in this state, shall be remitted to the Administration of Justice Funds Section.

(c) The Administration of Justice Funds Section shall:

- (1) Deposit the court costs and filing fees remitted under subsection (b) of this section into the State Administration of Justice Fund; and
- (2) Keep an accurate account of all receipts by type of case and type and location of court from which the court costs and filing fees are submitted.

History. Acts 1995, No. 1256, § 9; 2003, No. 1185, § 50; 2007, No. 663, § 26; 2013, No. 282, § 5; 2013, No. 504, § 1.

A.C.R.C. Notes. Pursuant to § 1-2-207, the amendments to this section by Acts 2013, No. 282, § 5, are superseded by the amendments to this section by Acts 2013, No. 504, § 1. Acts 2013, No. 282, § 5, amended this section to read as follows:

“(a) There is created in the Department of Finance and Administration an Administration of Justice Funds Section, to which shall be remitted the court costs and filing fees enumerated in §§ 21-6-

403, 16-17-12 705, and 16-10-305, which are assessed and collected in the district courts and circuit courts in this state.

“(b) The section shall deposit the court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305 into the State Administration of Justice Fund.

“(c) The section shall keep an accurate account of all receipts by type of case and type and location of court from which the court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305 are submitted.”

Amendments. The 2013 amendment rewrote the section.

16-10-307. County administration of justice fund.

(a) There is hereby created in each county a fund in the office of the county treasurer to be known as the “county administration of justice fund”.

(b) The county administration of justice fund shall be used to defray a part of the expenses of the administration of justice in the county. From the fund, the county shall continue to finance the following county

agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal to not less than the greater of the amount which was collected by the county from filing fees and court costs for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, to the agency or program for the calendar year ending December 31, 1995:

(1) The prosecuting attorney fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;

(2) The prosecuting attorney's victim-witness program fund;

(3) The public defender/indigent defense fund and public defender investigator fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;

(4) The county law library fund;

(5) The county jail fund; and

(6) The intoxication detection equipment fund.

(c)(1)(A) The county administration of justice fund of each county may retain an amount equal to the amount which was collected by the county from court costs and filing fees for county administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, for county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995 — 2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2014 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the lesser of the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor, for the two (2) years immediately preceding or the percentage rate of increase in collections of the State Administration of Justice Fund for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar year and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index for All Urban Consumers as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the county as having been collected during calendar year 1994 and for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this section shall prevent the county from funding any additional costs for the administration of justice from these or other county funds.

(e) The county shall remit on or before the fifteenth day of each month all sums received in excess of the amounts necessary to fund the expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in §§ 21-6-403 and 9-15-202, and the uniform court costs provided for in § 16-10-305 to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit into the State Administration of Justice Fund.

History. Acts 1995, No. 1256, §§ 10, 12; 1995 (1st Ex. Sess.), No. 13, § 7; 1997, No. 788, § 6; 1997, No. 1341, § 6; 2001, No. 1611, § 1; 2003, No. 1185, § 51; 2005, No. 434, § 1; 2005, No. 2212, § 1; 2007, No. 177, § 2; 2013, No. 282, §§ 6, 7.

Amendments. The 2013 amendment, in (c)(1)(B)(ii), substituted "2014" for "2006," inserted "lesser of the" preceding "average percentage," and added "or the

percentage rate of increase in collections of the State Administration of Justice Fund for the two (2) years immediately preceding" at the end; and, in (e), substituted "§§ 21-6-403 and 9-15-202" for "§ 21-6-403," inserted "Administration of Justice Funds Section of the Office of Administrative Services of the," and deleted "Administration of Justice Funds Section" preceding "for deposit."

16-10-308. City administration of justice fund.

(a)(1) There is hereby created in each town or city which operates a district court a fund in the office of the city treasurer to be known as the "city administration of justice fund".

(2)(A) A town or city operating a city court that becomes a department of district court shall continue to maintain the city administration of justice fund as originally established by this section.

(B) The city administration of justice fund of any town or city shall cease to exist on and after the effective date of the ordinance that abolishes the department of district court for that town or city pursuant to state law.

(b) The city administration of justice fund shall be used to defray a part of the expense of the administration of justice in the town or city. From the fund, the town or city shall continue to finance the following town or city agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal

to not less than the greater of the amount which was collected by the town or city from court costs and filing fees for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, to the agency or program for the calendar year ending December 31, 1995:

(1) The municipal court judge and clerk retirement fund for disbursement as otherwise provided by law;

(2) The police and fire pension fund;

(3) The intoxication detection equipment fund;

(4) All municipal-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the district court, notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees; and

(5) All county-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the district court, notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees and the disbursement of all or a part thereof to the county.

(c)(1)(A) The city administration of justice fund of each town or city may retain an amount equal to the amount which was collected by the town or city from court costs and filing fees for city administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, for city or county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995-2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2014 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the lesser of the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor, for the two (2) years immediately preceding or the percentage rate of increase in collections of the State Administration of Justice Fund for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar year, and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index for All Urban Consumers as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the town or city as having been collected during calendar year 1994 for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this act shall prevent the town or city from funding any additional costs for the administration of justice from other town or city funds.

(e) The town or city shall remit, on or before the fifteenth day of each month, all sums received in excess of the amounts necessary to fund the expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in § 16-17-705 and the uniform court costs provided for in § 16-10-305 to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit in the State Administration of Justice Fund.

History. Acts 1995, No. 1256, §§ 11, 13; 1997, No. 788, § 8; 1997, No. 1341, § 8; 2001, No. 1611, § 2; 2003, No. 1185, §§ 52, 53; 2005, No. 1934, § 4; 2005, No. 2212, § 2; 2007, No. 177, § 3; 2007, No. 663, § 27; 2013, No. 282, § 8.

Amendments. The 2013 amendment,

in (c)(1)(B)(ii), substituted “2014” for “2006,” inserted “lesser of the” preceding “average percentage,” and added “or the percentage rate of increase in collections of the State Administration of Justice Fund for the two (2) years immediately preceding” at the end.

16-10-310. State Administration of Justice Fund — Distribution of revenue.

(a) At the close of books on or before the twentieth working day of each month, the Department of Finance and Administration shall distribute revenue credited to the State Administration of Justice Fund and received for the previous month as provided in this section.

(b) The revenue described in subsection (a) of this section shall be distributed to the following state programs and state agencies in monthly installments of at least one-twelfth (1/12) of the annual allocation provided for each state program or state agency from the State Administration of Justice Fund subject to the limitations stated in this section:

(1) The Board of Trustees of the University of Arkansas for the purpose and as regulated by §§ 6-64-604 — 6-64-606;

(2) The Public Health Fund and the Drug Abuse Prevention and Treatment Fund for use in the drug abuse prevention and treatment program of the Division of Behavioral Health Services;

(3) The Department of Arkansas State Police for the State Police Retirement Fund;

(4) The Crime Victims Reparations Revolving Fund for the purpose of and as regulated by the Arkansas Crime Victims Reparations Act, § 16-90-701 et seq.;

(5) The Prosecutor Coordinator's office for deposit into the Law Enforcement and Prosecutor Drug Enforcement Training Fund;

(6) The Crime Information System Fund;

(7) The Justice Building Construction Fund;

(8) The District Court Judge and District Court Clerk Education Fund;

(9) The Judges Retirement Fund;

(10) The State Central Services Fund for the benefit of the Arkansas Public Defender Commission;

(11) The Court Reporter's Fund;

(12) The Justice Building Fund;

(13) The Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund;

(14) The Auditor of State to fund the Trial Court Administrative Assistant Fund;

(15) The Department of Arkansas State Police Fund;

(16) The State Central Services Fund for the benefit of the Division of Dependency-Neglect Representation of the Administrative Office of the Courts;

(17) The Miscellaneous Agencies Fund Account for the benefit of the State Crime Laboratory;

(18) The Arkansas District Judges Council for the Executive Director;

(19) The Public Legal Aid Fund;

(20) The Administrative Office of the Courts for county reimbursements for jurors; and

(21) The Administrative Office of the Courts to reimburse the State Central Services Fund for the Drug Court Coordinator.

(c) If the Chief Fiscal Officer of the State determines that the State Administration of Justice Fund balance and estimated revenue to be received by the State Administration of Justice Fund are inadequate to fully fund all authorized monthly allocations from the State Administration of Justice Fund:

(1)(A) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocation for:

(i) The Court Reporter's Fund;

(ii) The Arkansas District Judges Council for the Executive Director; and

(iii) The Auditor of State to fund the Trial Court Administrative Assistant Fund.

(B) Funds or allocations for a state program or state agency listed in subdivision (c)(1)(A) of this section shall not be affected if a deficit

occurs in other State Administration of Justice Fund appropriations, allocations, or funds not listed in subdivision (c)(1)(A) of this section for that particular state program or state agency;

(2) The Chief Fiscal Officer of the State shall notify the disbursing officer of each state agency and state program not listed in subdivision (c)(1)(A) of this section of the amount of the state agency's or state program's portion of any reduction required from the state agency's or state program's authorized allocation in order to maintain the State Administration of Justice Fund with a projected positive balance; and

(3)(A) The total funds remaining in the State Administration of Justice Fund after the distribution is made under subdivision (c)(1)(A) of this section shall be distributed to the state programs and state agencies not listed in subdivision (c)(1)(A) of this section in an amount equal to the proportion of the State Administration of Justice Fund that each state program would have received under subsection (b) of this section.

(B) A funding shortage from one (1) month shall be recouped from future months' payments as funds become available.

(d)(1) If required to help meet the commitments of the State Administration of Justice Fund and if funds are determined to be available, the Chief Fiscal Officer of the State may transfer a sum not to exceed four million dollars (\$4,000,000) during any fiscal year from the Budget Stabilization Trust Fund to the State Administration of Justice Fund.

(2) As determined by the Chief Fiscal Officer of the State, if a positive fund balance remains in the State Administration of Justice Fund at the end of a fiscal year, the Chief Fiscal Officer of the State may transfer the positive fund balance from the State Administration of Justice Fund to the Budget Stabilization Trust Fund to reimburse for any transfers made under subdivision (d)(1) of this section.

History. Acts 1995, No. 1256, § 15; 1995 (1st Ex. Sess.), No. 13, § 2; 1997, No. 788, § 10; 1997, No. 1341, § 10; 2003, No. 1185, § 54; 2009, No. 166, § 2; 2011, No. 1132, § 3; 2013, No. 504, § 2; 2013, No. 1107, § 13.

A.C.R.C. Notes. The language removed in former (b)(3) relating to the Highway Safety Special Fund was only in reference to the previously repealed special revenue fund by that name and in no way alters the distribution to the miscellaneous fund by that name.

Acts 2013, No. 1443, § 58, provided: "DISTRIBUTION OF ADMINISTRATION OF JUSTICE FUNDS.

In the event that the fund balance in the Administration of Justice Fund is inadequate to fund the monthly allocation to State Agencies, the funds will be distributed as follows:

"(a) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocations found in Section 59 herein for

"(1) the Auditor of State to fund the Trial Court Administrative Assistants Fund,

"(2) the District Judges Association for the District Court Coordinator, and

"(3) the Court Reporter Fund.

"(b) The total funds remaining in the State Administration of Justice Fund after the monthly distribution is made under subdivision (a) of this section shall be distributed to the remaining state programs and state agencies listed in Section 59 herein but not listed in subdivision (a) of this section and shall be funded in the percentage of the total funds available in the Administration of Justice Fund; that

is, if less than 100% of the total monthly allocation is available for distribution, monthly allocations for the remaining agencies will be funded at an equal percentage consistent with the remaining available funds, provided that any of the allocations listed in Section 59 that have been fully pledged prior to January 1, 2001 to the repayment of a bond issue or bond issues shall not be reduced below the amount listed in Section 59. Any shortage from one month will be adjusted in future months' payments as funds become available.

"The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

Amendments. The 2011 amendment deleted "of the Division of Behavioral Health of the Department of Human Ser-

vices" following "Office of Alcohol and Drug Abuse Prevention" in (b)(2); deleted former (b)(3) and redesignated the remaining subdivisions accordingly; and, in (b)(18), substituted "Arkansas District Judges Council" for "District Judges Association" and "Executive Director" for "District Court Coordinator."

The 2013 amendment by No. 504 added "State Administration of Justice Fund" to the section heading; rewrote (a) and the introductory language of (b); inserted "the Arkansas Crime Victims Reparations Act" in (b)(4); rewrote (b)(14); and added (c) and (d).

The 2013 amendment by No. 1107 substituted "Division of Behavioral Health Services" for "Office of Alcohol and Drug Abuse Prevention" in (b)(2).

16-10-312. [Repealed.]

Publisher's Notes. This section, concerning the distribution of the State Administration of Justice Fund, was re-

pealed by Acts 2013, No. 504, § 3. The section was derived from Acts 1997, No. 855, § 8.

SUBCHAPTER 4 — JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

SECTION.

16-10-404. Duties — Records.

16-10-404. Duties — Records.

(a) The Judicial Discipline and Disability Commission shall initiate or shall receive information, conduct investigations and hearings, and make recommendations to the Supreme Court concerning:

- (1) Allegations of judicial misconduct;
- (2) Allegations of physical or mental disability of judges requiring leave or involuntary retirement; and
- (3) Matters of voluntary retirement or leave for disability.

(b)(1) Investigatory records, files, and reports of the Judicial Discipline and Disability Commission are confidential, and no disclosure of information, written, recorded, or oral, received or developed by the Judicial Discipline and Disability Commission in the course of an investigation related to alleged misconduct or disability of a judge shall be made except as follows:

(A) Upon waiver in writing by the judge at any stage of the proceedings;

(B) Upon inquiry by an appointing authority or by a state or federal agency conducting investigations on behalf of such authority in connection with the selection or appointment of judges;

(C) In cases in which the subject matter or the fact of the filing of charges has become public, if deemed appropriate by the Judicial

Discipline and Disability Commission, it may issue a statement in order to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the judge to a fair hearing, and to state that the judge denies the allegations;

(D) Upon inquiry in connection with the assignment or recall of a retired judge to judicial duties, by or on behalf of the assigning authority;

(E) Upon the Judicial Discipline and Disability Commission's taking final action with respect to a complaint about a judge, notice of the final action shall become public information;

(F) Where the circumstances necessitating the initiation of an inquiry include notoriety, or where the conduct in question is a matter of public record, information concerning the lack of cause to proceed shall be released by the Judicial Discipline and Disability Commission;

(G)(i) If, during the course of or after an investigation or hearing, the Judicial Discipline and Disability Commission reasonably believes that there may have been a violation of any rules of professional conduct of attorneys at law, the Judicial Discipline and Disability Commission may release such information to any committee, commission, agency, or body within or outside of the state empowered to investigate, regulate, or adjudicate matters incident to the legal profession.

(ii) If, during the course of or after an investigation or hearing, the Judicial Discipline and Disability Commission reasonably believes that there may have been a violation of a law or rule falling under the jurisdiction of the Arkansas Ethics Commission, the Judicial Discipline and Disability Commission may release such information to the Arkansas Ethics Commission; or

(H) If, during the course of or after an investigation or hearing, the Judicial Discipline and Disability Commission reasonably believes that there may have been a violation of criminal law, the Judicial Discipline and Disability Commission shall release such information to the appropriate prosecuting attorney.

(2) All proceedings held prior to a determination of probable cause and the filing of formal charges shall be confidential. Any hearing scheduled after the filing of formal charges shall be open to the press and to the public, except that following the completion of the introduction of all evidence, the Judicial Discipline and Disability Commission may convene to executive session for the purpose of deliberating its final conclusions and recommendations, provided that, upon completion of the executive session, the final action of the Judicial Discipline and Disability Commission shall be announced in an open and public session.

(3) The Judicial Discipline and Disability Commission is authorized to request the appropriate prosecuting authorities to seek to obtain immunity from criminal prosecution for a reluctant witness using the procedure outlined in § 16-43-601 et seq.

History. Acts 1989, No. 637, § 2; 1993, No. 1078, § 1; 2013, No. 1115, § 2.

Amendments. The 2013 amendment redesignated former (b)(1)(G) as present

(b)(1)(G)(i); substituted “Judicial Discipline and Disability Commission” for “commission” throughout present (b)(1)(G)(i); and added (b)(1)(G)(ii).

16-10-410. Removal from office.

CASE NOTES

Constitutionality.

In a judge’s declaratory action, this section was held unconstitutional, as it added a qualification to the office of circuit judge,

encroaching on the power of the judiciary to interpret the law. *Proctor v. Daniels*, 2010 Ark. 206, 392 S.W.3d 360 (2010).

SUBCHAPTER 9 — COMPENSATION FOR RETIRED JUDGES APPOINTED TO TEMPORARY SERVICE

SECTION.

16-10-902. Amount of compensation.

16-10-904. Mileage and expenses.

SECTION.

16-10-905. Amount of per diem compensation.

16-10-902. Amount of compensation.

(a) A retired judge appointed by the Chief Justice of the Supreme Court as a special judge under Arkansas Constitution, Amendment 80, and the rules prescribed by the Supreme Court shall receive compensation, in addition to his or her retirement benefits, at one-half (½) the rate as fixed by law for a regularly elected circuit judge.

(b) The compensation shall be paid from the appropriation provided to the Auditor of State for special and recalled judges for the circuit courts.

History. Acts 1999, No. 390, § 2; 2001, No. 1071, § 1; 2003, No. 1185, § 64; 2011, No. 274, § 3.

A.C.R.C. Notes. Acts 2011, No. 274, § 1, provided: “Legislative intent.

“(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

“(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

“(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification.”

Amendments. The 2011 amendment, in (a), substituted “by the Chief Justice of the Supreme Court as a special judge” for “to temporary service” and inserted “and the rules prescribed by the Supreme Court”; and added (b).

16-10-904. Mileage and expenses.

In addition to the per diem compensation provided by this subchapter, a special judge serving under Arkansas Constitution, Amendment 80, shall receive expenses and mileage reimbursement from the appropriation provided to the Auditor of State for special and recalled judges for the circuit courts at the rate as prescribed in § 16-10-119.

History. Acts 1999, No. 390, § 4; 2001, No. 1071, § 2; 2011, No. 274, § 4.

A.C.R.C. Notes. Acts 2011, No. 274, § 1, provided: “Legislative intent.

“(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

“(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

“(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification.”

Amendments. The 2011 amendment substituted “special” for “temporary” and “Amendment 80” for “Amendment 78”; and added “from the appropriation provided to the Auditor of State for special and recalled judges for the circuit courts.”

16-10-905. Amount of per diem compensation.

(a) Per diem compensation prescribed in § 16-10-902 shall be for each day or portion of a day the judge serves on the bench.

(b) For each day or portion of a day that a special judge appointed under Arkansas Constitution, Amendment 80, performs his or her judicial duties other than on the bench, the judge shall receive compensation as prescribed by rules adopted by the Supreme Court.

History. Acts 1999, No. 390, § 5; 2011, No. 274, § 5.

A.C.R.C. Notes. Acts 2011, No. 274, § 1, provided: “Legislative intent.

“(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

“(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

“(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification.”

Amendments. The 2011 amendment subdivided the previously undesignated section into (a) and (b); and, in (b), substituted “special” for “temporary” and “Amendment 80” for “Amendment 78.”

SUBCHAPTER 10 — ARKANSAS COURT SECURITY ACT

SECTION.

16-10-1004. Court security officers.

16-10-1004. Court security officers.

(a)(1) There is established a training and certification program for court security officers.

(2) As used in this section, “court security officer” means an individual who is assigned the duty of providing security or security-related services at the request of an appellate court, circuit court, or district court in this state.

(3)(A) A court security officer may be employed directly by an appellate court, circuit court, district court, or a law enforcement agency of this state or a city or county in this state.

(B) A court security officer may provide services to a court on either a full-time or part-time basis.

(b) The duties of a court security officer may include:

(1) The attendance in court when court is in session;

(2) The supervision and maintenance of order in a courtroom or courthouse;

(3) Providing security for individuals involved in court proceedings; and

(4) Other incidental and related duties at the direction of a court.

(c) In order to be eligible to provide services in an appellate court, circuit court, or district court in this state, a court security officer shall:

(1)(A) Be certified as a law enforcement officer by the Arkansas Commission on Law Enforcement Standards and Training under the laws and regulations of this state.

(B) A court security officer shall complete the law enforcement certification requirement within one (1) year of beginning his or her term of service as a court security officer.

(C) A court security officer shall maintain the law enforcement certification during the term of his or her service as a court security officer; and

(2)(A) Complete an additional training program for court security officers approved by the Arkansas Commission on Law Enforcement Standards and Training.

(B) A court security officer shall complete the additional training program for court security officers within one (1) year of beginning his or her term of service as a court security officer.

(d) A court or law enforcement agency employing a court security officer shall:

(1) Ensure that a court security officer meets or attains the certification required under subdivisions (c)(1)(B) and (c)(2)(B) of this section; and

(2) Require submission of and maintain records for the documentation of the court security officer's certification as a law enforcement officer and of the court security officer's completion of the additional training program for court security officers.

(e)(1) Subject to the certification requirements of the Arkansas Commission on Law Enforcement Standards and Training, the officers of the Supreme Court police may offer and provide training for court security officers as required by this section.

(2) In addition to the general powers of a specialized law enforcement officer, Supreme Court police officers may, in the course of their official duties, provide security for members of the Supreme Court or the Court of Appeals when either court shall convene for the purpose of considering oral arguments or conferencing in any location within the State of Arkansas, including the authority to act as a peace officer to arrest,

with or without warrant, any person within the boundaries of the State of Arkansas who is or is reasonably believed to be committing an offense against any laws of the State of Arkansas or against the ordinances of the city in which the Supreme Court or Court of Appeals is convened, and to deliver the person before any court of competent jurisdiction to be dealt with according to law.

History. Acts 2007, No. 576, § 1; 2009, No. 236, § 1; 2011, No. 1132, § 4.
Amendments. The 2011 amendment deleted “recommended by the Supreme Court Security and Emergency Preparedness Advisory Committee and” following “court security officers” in (c)(2)(A).

SUBCHAPTER 11 — COURT INTERPRETERS

SECTION.	SECTION.
16-10-1101. Purpose.	16-10-1105. Interpreter oath.
16-10-1102. Definitions.	16-10-1106. Replacement of interpreter.
16-10-1103. Court interpreter for persons with limited English proficiency.	16-10-1107. Confidential communications in presence of interpreter.
16-10-1104. Appointment of interpreter.	16-10-1108. Compensation of interpreter.

16-10-1101. Purpose.

- (a) The State of Arkansas requires that court proceedings be conducted in the English language under § 16-10-107.
- (b) Recognizing that a person with limited English proficiency cannot fully participate in the legal process and exercise the rights afforded to him or her, a court shall appoint a qualified interpreter to assist a person with limited English proficiency in a court proceeding.

History. Acts 2013, No. 237, § 1.

16-10-1102. Definitions.

As used in this subchapter:

- (1) “Interpret” means to convey spoken English in a manner understood by a person who has limited English proficiency by using American Sign Language and transliteration, Communication Access Realtime Translation (CART) services or similar procedures, or a language in which the person is fluent, and to convey the communication made by that person into spoken English; and
- (2) “Limited English proficiency” means either:
 - (A) The inability of a person to adequately understand or communicate effectively in English in a court proceeding because the person has not developed fluency in English; or
 - (B) The inability of a person to adequately hear, understand, or communicate effectively in English in a court proceeding due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability.

History. Acts 2013, No. 237, § 1.

16-10-1103. Court interpreter for persons with limited English proficiency.

(a) A person with limited English proficiency who is a party to or a witness in a court proceeding is entitled to a qualified interpreter to interpret for the person throughout the court proceeding.

(b)(1) The Supreme Court shall administer an interpreter program to appoint and use interpreters in court proceedings and to ensure interpreter certification, continued proficiency, and discipline.

(2) Staff and administrative support required by the Supreme Court relating to the program shall be provided by the Administrative Office of the Courts, and the program may include:

(A) Establishing and administering a comprehensive testing and certification program for foreign language interpreters;

(B) Establishing and adopting standards concerning written and verbal proficiency in English and the foreign language to be interpreted;

(C) Establishing and adopting recognized standards for interpreters for the deaf and hearing impaired, including without limitation certification by the Registry of Interpreters for the Deaf, Inc., or similar registries;

(D) Conducting periodic examinations to ensure the availability of certified interpreters;

(E) Charging reasonable fees as necessary for testing and certification;

(F) Ensuring reciprocity of certification for interpreters from other jurisdictions provided that the criteria for certification in the foreign jurisdiction is comparable to that established by the office;

(G) Establishing a schedule of reasonable fees for services rendered by interpreters in court proceedings;

(H) Establishing a process to review and respond to allegations of misconduct by interpreters; and

(I) Addressing other matters relating to interpreters in the courts.

(c)(1) The General Assembly may appropriate to the office funds as necessary to establish a program to facilitate the use of interpreters and otherwise satisfy the requirements of this subchapter.

(2) Implementation of this subchapter is contingent upon the availability of appropriated funds to carry out its purposes.

(d)(1) With the support of the office, all court personnel shall make a reasonable effort to ensure public awareness of interpreter services.

(2) Clerks of courts shall clearly publicize the availability of interpreter services.

History. Acts 2013, No. 237, § 1.

16-10-1104. Appointment of interpreter.

(a) The Administrative Office of the Courts shall compile, maintain, and disseminate a certified registry of qualified interpreters for the courts.

(b) When an interpreter is requested or when the court determines that a party to or a witness in a court proceeding has limited English proficiency, a qualified interpreter shall be appointed under procedures adopted by the Supreme Court.

(c) An attorney, a clerk of court, employee or officer of a law enforcement agency, or a party to or a witness in a court proceeding shall notify the court as soon as the need for an interpreter is identified.

(d) If a qualified interpreter is not available through the office's registry, the court may appoint an interpreter qualified under procedures adopted by the court, and the interpreter shall take the oath under § 16-10-1105.

History. Acts 2013, No. 237, § 1.

16-10-1105. Interpreter oath.

Before commencing his or her duties, an interpreter appointed under this subchapter shall take an oath in substantially the following form: "Do you [swear] [affirm] that you will make a true and impartial interpretation using your best skills and judgment in accordance with the standards and ethics of the interpreter profession and that you will abide by the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary, [so help you God][under the penalty of perjury]?"

History. Acts 2013, No. 237, § 1.

16-10-1106. Replacement of interpreter.

(a) A court that appoints an interpreter shall dismiss the interpreter and obtain the services of a qualified interpreter under procedures adopted by the Supreme Court:

(1) If the interpreter fails to follow the standards prescribed by law or by the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary;

(2) If the interpreter is unable to effectively communicate; or

(3) For other reasons prescribed by the Supreme Court.

(b) A court that appoints an interpreter shall notify the Administrative Office of the Courts in writing if the court dismisses an interpreter, setting forth the reason for the dismissal.

History. Acts 2013, No. 237, § 1.

16-10-1107. Confidential communications in presence of interpreter.

An interpreter appointed under this subchapter shall not be compelled to testify in a court proceeding as to any statements made by the person with limited English proficiency and interpreted by the interpreter when the person with limited English proficiency is engaged in a privileged communication recognized by the Arkansas Rules of Evidence.

History. Acts 2013, No. 237, § 1.

16-10-1108. Compensation of interpreter.

(a) Except as provided in subsection (b) of this section, the payment of the cost of providing an interpreter appointed under this subchapter shall be the responsibility of the local government responsible for funding the court that has jurisdiction over the court proceeding.

(b) If an interpreter from the registry maintained by the Administrative Office of the Courts is appointed by a court, the court may certify upon prescribed forms upon the conclusion of the interpreter's services those services to the office for payment from funds specifically appropriated for this purpose at the rate set by the office.

(c) A person with limited English proficiency who is a party to or witness in a court proceeding shall not be denied the services of an interpreter because he or she is unable to pay for the services.

(d) A defendant in a criminal proceeding shall not be required to pay a fee for the services of a court-appointed interpreter.

(e) If costs are assessed or collected by the court under the Arkansas Rules of Civil Procedure, the disposition of the costs shall be at the discretion of the court, and the court may order reimbursement to the local government responsible for funding the court or the office for its responsibilities under this subchapter.

History. Acts 2013, No. 237, § 1.

CHAPTER 11

SUPREME COURT

SUBCHAPTER.**1. GENERAL PROVISIONS.****SUBCHAPTER 1 — GENERAL PROVISIONS****SECTION.****16-11-116. Employees of the Supreme Court — Bar of Arkansas.**

Effective Dates. Acts 2013, No. 1026, § 11: July 1, 2013. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2013 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of

the legislative session, the delay in the effective date of this Act beyond July 1, 2013 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2013."

16-11-106. Issuance of writs and process.

CASE NOTES

Attorney General.

On appeal of the order granting a permanent guardianship of appellant's son to his grandmother, the Supreme Court of Arkansas did not address the merits of appellant's constitutional challenge to the guardianship statutes, §§ 28-65-101 to

28-65-707, because the attorney general was not notified of the challenge as required by subsection (b) of this section and there had not been a complete adversarial development of the constitutional issues. *Mahavier v. Mahavier (In re A.M.)*, 2012 Ark. 278, — S.W.3d — (2012).

16-11-116. Employees of the Supreme Court — Bar of Arkansas.

(a) Pursuant to Amendment 28 of the Arkansas Constitution, the Supreme Court is charged with the authority and responsibility to regulate the practice of law. As of July 1, 2013, those persons who are employed by the Supreme Court to carry out these responsibilities and who are paid from the Bar of Arkansas account shall be considered employees of the State of Arkansas administered by the Supreme Court.

(b) For all purposes involving annual leave, sick leave, and career service recognition as a state employee, years of service as an employee of the Supreme Court — Bar of Arkansas shall be recognized as eligible service as a state employee.

(c) Notwithstanding § 19-4-801 or any other law to the contrary, employees shall be paid from cash funds of the Supreme Court derived solely from revenues received from attorney license fees and any other fees, fines, interest income, or other revenues derived from the regulation of the practice of law that may be deposited into the Bar of Arkansas account as determined by the Supreme Court.

(d)(1)(A) On July 1, 2013, the Bar of Arkansas Employees Pension Plan shall be abolished, and its power, duties, plan liabilities and assets shall be transferred to and assumed by the Arkansas Public Employees' Retirement System, together with all accrued service credit due its members.

(B) All current members and beneficiaries of the Bar of Arkansas Employees Pension Plan shall be members of the Arkansas Public

Employees' Retirement System and covered by that system's eligibility, retirement and beneficiary provisions, except that those employees who were members of the Bar of Arkansas Employees Pension Plan and who were eligible for the lump sum distribution provisions of that plan as referenced in Section 9.2(h) of the official plan document shall retain those rights as provided by the Bar of Arkansas Employees Pension Plan.

(2) Employees of the Supreme Court — Bar of Arkansas who are hired after July 1, 2013, shall be enrolled in the Arkansas Public Employees' Retirement System as a condition of employment as provided for in § 24-4-301.

History. Acts 2013, No. 1026, § 8.

SUBCHAPTER 3 — PROCEDURAL RULES

16-11-301. Rules of pleading, practice, and procedure — Supersession.

CASE NOTES

Application.

Petition to revive a foreign judgment was properly granted because it was authenticated under Ark. R. Civ. P. 44 where it was signed by a clerk for a United States Bankruptcy Court; the Arkansas Supreme Court's rule-making authority

over procedural matters was exclusive. It was argued that the proper authentication process was not followed when a certified copy of the judgment was attached to an application. *Bird v. Shaffer*, 2012 Ark. App. 464, — S.W.3d — (2012).

CHAPTER 12

COURT OF APPEALS

SUBCHAPTER.

2. REAPPORTIONMENT OF THE COURT OF APPEALS DISTRICTS.

SUBCHAPTER 2 — REAPPORTIONMENT OF THE COURT OF APPEALS DISTRICTS

SECTION.

16-12-202. Court of Appeals — Transition.

16-12-202. Court of Appeals — Transition.

The elections under this section shall be for an eight-year term as follows:

(1) The judgeship designated prior to July 16, 2003, as District 2, Position 2, shall continue to be designated District 2, Position 2, and shall be subject to election in District 2;

(2) The judgeship designated prior to July 16, 2003, as District 4, Position 1, shall continue to be designated District 4, Position 1, and shall be subject to election in District 4;

(3) The judgeship designated prior to July 16, 2003, as District 4, Position 2, shall continue to be designated District 4, Position 2, and shall be subject to election in District 4;

(4) The judgeship designated prior to July 16, 2003, as District 5, Position 1, shall be designated District 5 and shall be subject to election in District 5;

(5) The judgeship designated prior to July 16, 2003, as District 3, Position 2, shall continue to be designated District 3, Position 2, and shall be subject to election in District 3;

(6) The judgeship designated prior to July 16, 2003, as District 1, Position 2, shall be designated District 1, Position 1, and shall be subject to election in District 1;

(7) The judgeship designated prior to July 16, 2003, as District 5, Position 2, shall be designated District 1, Position 2, and shall be subject to election in District 1;

(8) The judgeship designated prior to July 16, 2003, as District 6, Position 2, shall continue to be designated District 6, Position 2, and shall be subject to election in District 6;

(9) The judgeship designated prior to July 16, 2003, as District 1, Position 1, shall be designated District 7 and shall be subject to election in District 7;

(10) The judgeship designated prior to July 16, 2003, as District 6, Position 1, shall continue to be designated District 6, Position 1, and shall be subject to election in District 6;

(11) The judgeship designated prior to July 16, 2003, as District 2, Position 1, shall continue to be designated District 2, Position 1, and shall be subject to election in District 2; and

(12) The judgeship designated prior to July 16, 2003, as District 3, Position 1, shall continue to be designated District 3, Position 1, and shall be subject to election in District 3.

History. Acts 2003, No. 1812, § 3; 2011, No. 1132, § 5.

Amendments. The 2011 amendment substituted “designated prior to July 16, 2003” for “currently designated” throughout the section; deleted “in 2004” following “shall be subject to election” in (1) through

(4); deleted “in 2006” following “shall be subject to election” in (5) through (8); deleted “in 2008” following “shall be subject to election” in (9) and (10); and deleted “in 2010” following “shall be subject to election” in (11) and (12).

CHAPTER 13

CIRCUIT COURTS

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. CIRCUIT COURTS GENERALLY.
3. JUVENILE DIVISION OF CIRCUIT COURT GENERALLY.

SUBCHAPTER

- 7. ENFORCEMENT OF FINES.
- 14. SIXTH JUDICIAL CIRCUIT.
- 31. SEVENTH AND TWENTY-SECOND JUDICIAL CIRCUITS.
- 32. EIGHTH JUDICIAL CIRCUIT.

CASE NOTES
Complaint.

In an action by a county resident against officials of the Arkansas Game and Fish Commission, alleging that the Commission used public funds to enter into gas leases with private commercial enterprises and diverted the monies generated from those leases to unauthorized expenditures, the resident failed to state a

claim for illegal extraction under this section because the monies at issue did not arise from taxation but were generated from the Commission's gas leases with private, third-party companies. *Dockery v. Morgan*, 2011 Ark. 94, 380 S.W.3d 377 (2011), rehearing denied, — S.W.3d —, 2011 Ark. LEXIS 400 (Ark. Apr. 14, 2011).

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

16-13-103. Special judges — Compensation — Expenses.

16-13-103. Special judges — Compensation — Expenses.

(a)(1) A licensed attorney who is elected as a special judge of the circuit court under the Arkansas Constitution, Amendment 80, and the rules prescribed by the Supreme Court may request compensation at one-half (½) the rate as fixed by law for a regularly elected circuit judge.

(2) This section does not allow a special judge to receive compensation for any days that he or she is not actually serving in his or her appointed capacity.

(b) The compensation provided for in this section shall be paid from the appropriation provided to the Auditor of State for special and recalled judges for the circuit courts, upon certification by the clerk of the court in which the special circuit judge was elected stating the number of days or a portion of a day served, under the rules prescribed by the Supreme Court.

History. Acts 1971, No. 649, §§ 1, 2; A.S.A. 1947, §§ 22-131, 22-131.1; Acts 2011, No. 274, § 6.

A.C.R.C. Notes. Acts 2011, No. 274, § 1, provided: "Legislative intent.

"(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable

to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

"(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

"(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification."

Amendments. The 2011 amendment rewrote (a) and (b).

SUBCHAPTER 2 — CIRCUIT COURTS GENERALLY

SECTION.

16-13-202. [Repealed.]

16-13-202. [Repealed.]

Publisher's Notes. This section, concerning rules, was repealed by Acts 2011, No. 1132, § 6. The section was derived from Civil Code, § 18; Acts 1873, No. 88, § 1 [18], p. 213; C. & M. Dig., § 2231; Pope's Dig., § 2859; A.S.A. 1947, § 22-309.

SUBCHAPTER 3 — JUVENILE DIVISION OF CIRCUIT COURT GENERALLY

SECTION.

16-13-326. Circuit court juvenile division funds.

16-13-326. Circuit court juvenile division funds.

(a)(1) All court costs, fines, and fees assessed by the juvenile division of circuit court shall be deposited and accounted for by the county in which they are received.

(2) The court shall have the authority to direct that the fees, court costs, and fines shall be collected by either the juvenile officer, the sheriff, or the clerk of the juvenile division of circuit court or other person designated by the court for the county in which the fees, court costs, and fines are charged.

(b)(1) The officer designated by the court to collect juvenile fees, court costs, and fines shall deposit the fees, court costs, and fines into the appropriate fund and monthly deposit the fees, court costs, and fines into the fund in the county treasury of the county where the fees are collected.

(2)(A) In a judicial district with multiple judges designated to hear juvenile cases in the district plan under Supreme Court Administrative Order Number 14, the majority of the judges shall determine who is to be in charge of the collection and accounting of fees, court costs, and fines.

(B) If there is no majority, the administrative judge is to determine who shall be in charge of the collection and accounting of fees, court costs, and fines as provided by this section.

(3)(A) However, in judicial districts having more than one (1) county, the majority of the judges or the administrative judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile and diversion fees, court costs, and fines collected in the district.

(B) The treasurer so designated by the court shall maintain a separate account of the juvenile fees, court costs, and fines collected

in each county in the district so that fees, court costs, and fines collected in a county are spent to support the juveniles and juvenile division court services and programs in that county.

(C) Money remaining at the end of the fiscal year shall not revert to any other fund but shall remain in the circuit court juvenile division fund and carry over to the next fiscal year.

(c) The funds derived from the collection of juvenile fees, court costs, and fines shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in the district plan under Supreme Court Administrative Order Number 14, originally issued April 6, 2001, and the quorum court of the county to provide services and supplies to juveniles and support court programs at the discretion of the juvenile division of circuit court, including without limitation:

- (1) Juvenile drug courts;
- (2) Teen courts;
- (3) Volunteer probation programs;
- (4) Court-appointed special advocates; and
- (5) After-school and community-based programs.

History. Acts 1989, No. 418, § 5; 1994 (2nd Ex. Sess.), No. 61, § 3; 1994 (2nd Ex. Sess.), No. 62, § 3; 1995, No. 1204, § 1; 2003, No. 1809, § 14; 2011, No. 1175, § 13.

Amendments. The 2011 amendment rewrote the section.

SUBCHAPTER 5 — COURT REPORTERS

A.C.R.C. Notes. Acts 2011, No. 927, § 3, provided: “TRANSCRIPTS. Official Court Reporters shall prepare transcripts, which are to be included within a record on appeal, pursuant to the time requirements that are outlined in the Arkansas Supreme Court Rules. In the event an official Court Reporter fails to complete a transcript within the prescribed time, he or she shall immediately inform the judge, for whom he or she is employed, and the Arkansas Board of Certified Court Reporter Examiners. Failure of a Court Reporter to report to his or her judge and to the Arkansas Board of Certified Court Reporter Examiners shall result in the immediate suspension of the Court Reporter’s license, pending a hearing before the Arkansas Board of Certified Court Reporter Examiners.”

Acts 2012, No. 110, § 3, provided: “TRANSCRIPTS. Official Court Reporters shall prepare transcripts, which are to be included within a record on appeal, pursuant to the time requirements that are outlined in the Arkansas Supreme Court Rules. In the event an official Court Re-

porter fails to complete a transcript within the prescribed time, he or she shall immediately inform the judge, for whom he or she is employed, and the Arkansas Board of Certified Court Reporter Examiners. Failure of a Court Reporter to report to his or her judge and to the Arkansas Board of Certified Court Reporter Examiners shall result in the immediate suspension of the Court Reporter’s license, pending a hearing before the Arkansas Board of Certified Court Reporter Examiners.”

Acts 2013, No. 1028, § 3, provided: “TRANSCRIPTS. Official Court Reporters shall prepare transcripts, which are to be included within a record on appeal, pursuant to the time requirements that are outlined in the Arkansas Supreme Court Rules. In the event an official Court Reporter fails to complete a transcript within the prescribed time, he or she shall immediately inform the judge, for whom he or she is employed, and the Arkansas Board of Certified Court Reporter Examiners. Failure of a Court Reporter to report to his or her judge and to the Arkan-

sas Board of Certified Court Reporter Examiners shall result in the immediate suspension of the Court Reporter's li-

cense, pending a hearing before the Arkansas Board of Certified Court Reporter Examiners."

16-13-510. Complete record required — Waiver.

CASE NOTES

Motion to Compel Arbitration.

In a case involving a trial court's order denying a motion to compel arbitration, remand was necessary because, in its order denying the motion to compel arbitration, the trial court said that it had an-

nounced its decision in open court during a hearing but there was no transcript of such a hearing either in the addendum or in the record. *Evangelical Lutheran Good Samaritan Soc'y v. Kolesar*, 2013 Ark. App. 195, — S.W.3d — (2013).

SUBCHAPTER 7 — ENFORCEMENT OF FINES

SECTION.

16-13-703. Imprisonment.

16-13-704. Installment payments.

SECTION.

16-13-706. Credit or debit card payments.

Effective Dates. Acts 2013, No. 282, § 17; Mar. 6, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could cause irreparable harm upon the proper administration of

essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

16-13-703. Imprisonment.

(a) When a defendant sentenced to pay a fine defaults in the payment thereof, or of any installment, the court, upon its own motion or that of the prosecuting attorney, may require him or her to show cause why he or she should not be imprisoned for nonpayment.

(b) The court may issue a warrant of arrest or summons for his or her appearance.

(c)(1) Unless the defendant shows that his or her default was not attributable to a purposeful refusal to obey the sentence of the court or to a failure on his or her part to make a good-faith effort to obtain the funds required for payment, the court may order the defendant impris-

oned in the county jail or other authorized institution designated by the court until the fine or specified part thereof is paid.

(2)(A) The period of imprisonment shall not exceed one (1) day for each forty dollars (\$40.00) of the fine, thirty (30) days if the fine was imposed upon conviction of a misdemeanor, or one (1) year if the fine was imposed upon conviction of a felony, whichever is the shorter period.

(B) The total amount of fines owed shall not automatically be reduced by the period of imprisonment, but the court may credit forty dollars (\$40.00) for each day of imprisonment against the total fine, excluding any amount owed for restitution, the defendant has been sentenced to pay.

(3) This subsection is in addition to the revocation options contained in § 16-93-308.

(d) If the court determines that the default in payment of the fine is not attributable to the causes specified in subsection (c) of this section, the court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or revoking the fine or the unpaid portion thereof in whole or in part.

History. Acts 1995, No. 1262, § 4; inserted “excluding any amount owed for 2003, No. 1765, § 9; 2013, No. 225, § 1. restitution” in (c)(2)(B); and rewrote (c)(3).

Amendments. The 2013 amendment

16-13-704. Installment payments.

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant’s dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order which will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant’s dependents.

(b)(1)(A) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.

(B) This fee shall be collected in full each month in which a defendant makes an installment payment.

(C) This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.

(2)(A)(i) One-half ($\frac{1}{2}$) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(ii) The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited in a fund entitled the circuit court automation fund to be used solely for circuit court-related technology.

(B)(i) Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit and shall be authorized and paid under the state laws governing the appropriation and payment of county expenditures.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(iii) Funds in each county in a judicial district may be pooled for expenditure pursuant to a circuit-wide technology plan approved by the administrative circuit judge.

(3)(A) One-half ($\frac{1}{2}$) of the installment fee collected in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section, on a form provided by that section, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(B) The other half of the installment fee collected in district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited in a fund entitled the district court automation fund to be used solely for district court-related technology.

(C) In any district court which is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited in the district court automation fund to be used solely for district court-related technology.

(D)(i) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized and paid, under state laws governing the appropriation and payment of county or municipal expenditures, by the governing body or, if applicable, governing bodies that contribute to the expenses of a district court.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(E)(i) In circuit court only, an installment fee of an additional five dollars (\$5.00) per month shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the additional five dollars (\$5.00) to be remitted to the collecting official to be used to defray the cost of fine collection.

(ii) In district court only, an installment fee of an additional five dollars (\$5.00) per month shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the additional five dollars (\$5.00) to be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that section for deposit into the State Administration of Justice Fund.

(c) Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

History. Acts 1995, No. 1262, § 3; 2001, No. 1809, § 13; 2003, No. 1185, § 94; 2003, No. 1765, § 10; 2005, No. 1934, § 7; 2007, No. 663, § 32; 2011, No. 1138, §§ 1, 2; 2011, No. 1218, § 2; 2013, No. 282, § 9.

Amendments. The 2011 amendment by No. 1138 inserted (b)(3)(E).

The 2011 amendment by No. 1218 rewrote (b)(2)(B) and (b)(3)(D).

The 2013 amendment redesignated (b)(3)(E) as (b)(3)(E)(i); substituted "is ordered to" for "is authorized to" in (b)(3)(E)(i); and added (b)(3)(E)(ii).

16-13-706. Credit or debit card payments.

(a) The court or the agency designated under § 16-13-709 or § 16-92-118 may accept payment of fines and associated costs by an approved credit card or debit card.

(b)(1) The court or designated agency may enter into contracts with credit card companies and pay those companies fees normally charged by those companies for allowing the court to accept their credit cards in payment as authorized by subsection (a) of this section.

(2) When the offender pays fines or court costs by an approved credit card or debit card, the court may assess the offender a transaction fee.

(c)(1) All courts are authorized to enroll for service with and accept payments from a third-party entity for the acceptance and collection of fines and associated costs with an approved credit card for which the third-party entity may charge the offender a transaction fee.

(2) The State of Arkansas or any of its political subdivisions shall not charge a transaction fee for electronic payments of a court-ordered fine paid through a third-party entity.

History. Acts 1995, No. 1262, § 6; 2003, No. 1765, § 11; 2009, No. 328, § 3; 2009, No. 782, § 2; 2011, No. 1218, § 3.

Amendments. The 2011 amendment

substituted "transaction fee" for "service or convenience fee" in (b)(2); substituted "transaction fee" for "service or convenience fee if the credit card company will

allow the charge" in (c)(1); and substituted "a transaction fee" for "an access fee" in (c)(2).

SUBCHAPTER 14 — SIXTH JUDICIAL CIRCUIT

SECTION.

16-13-1412. Circuit court probation officers.

16-13-1412. Circuit court probation officers.

(a) The circuit judges of the First and Fifth Divisions of the Sixth Judicial District may appoint a chief probation officer and a deputy probation officer.

(b)(1) The duties of the chief probation officer shall include the supervision of all persons on probation, the investigation of all matters referred to him or her by the court relating to the granting of suspended sentences, and the investigation of any other matters that may be referred to him or her by the court.

(2) The deputy probation officer shall perform all duties delegated to him or her by the chief probation officer, and all those referred to him or her by the court.

(3) The chief probation officer and the deputy probation officer, in the performance of their duties, may exercise all the powers of a deputy sheriff, which powers shall include the powers to make arrests, carry weapons, and serve summonses.

(c)(1) The salary of the chief probation officer shall be twenty-five thousand dollars (\$25,000) per calendar year, which salary shall be paid by Pulaski County.

(2) The salary of the deputy probation officer shall be twenty-three thousand five hundred dollars (\$23,500) per calendar year, which salary shall be paid by Pulaski County.

(3) Any probation officer funded through or by the Board of Corrections is specifically excluded from the provisions of this section.

(d) Nothing in the provisions of this section shall be construed to repeal or modify the laws now in effect relating to the duties of the State Parole Officer.

(e)(1) The salaries of the chief probation officer and coordinator probation officers set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; and another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid bi-weekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 7-10; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 1, 12-14; 2011, No. 200, § 1. **Amendments.** The 2011 amendment deleted “Fourth” following “First” in (a).

SUBCHAPTER 31 — SEVENTH AND TWENTY-SECOND JUDICIAL CIRCUITS

SECTION.

16-13-3107. Prosecuting attorneys.

16-13-3107. Prosecuting attorneys.

(a) The qualified electors of Saline County shall elect a person who shall serve as the prosecuting attorney for the Twenty-second Judicial District.

(b) The qualified electors of Hot Spring County and Grant County shall elect a person who shall serve as the prosecuting attorney for the Seventh Judicial District.

History. Acts 1997, No. 827, § 8; 1999, No. 7, § 7; 2011, No. 1132, § 7. in (a) and (b), deleted “At the 1998 general election” at the beginning and deleted

Amendments. The 2011 amendment, “beginning January 1, 1999” at the end.

SUBCHAPTER 32 — EIGHTH JUDICIAL CIRCUIT

SECTION.

16-13-3205. Prosecuting attorneys.

16-13-3205. Prosecuting attorneys.

(a) The qualified electors of Hempstead and Nevada counties shall elect a person who shall serve as the prosecuting attorney for the Eighth Judicial District-North.

(b) The qualified electors of Lafayette and Miller counties shall elect a person who shall serve as the prosecuting attorney for the Eighth Judicial District-South.

History. Acts 1997, No. 1270, § 7; 2011, No. 1132, § 8. in (a) and (b), deleted “At the 1998 general election” at the beginning and deleted

Amendments. The 2011 amendment, “beginning January 1, 1999” at the end.

CHAPTER 17

DISTRICT COURTS

SUBCHAPTER.

1. GENERAL PROVISIONS.

2. ESTABLISHMENT IN CITIES OF 2,400 OR MORE AND COUNTY SEAT TOWNS OF LESS THAN 2,400.

8. APPEALS.

9. JUDICIAL DISTRICTS — JUDGES FOR DISTRICT COURTS.

SUBCHAPTER

11. PILOT STATE DISTRICT COURTS.

12. CITY COURT CONSOLIDATION.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

16-17-108. Salaries of personnel and other requirements of various district courts.

16-17-129. Levy to defray cost of incarcerating city and county prisoners.

16-17-134. Change of venue from lower courts in certain counties to municipal court.

SECTION.

16-17-136. Waiver of appearance and entry of plea to traffic violations in district court and city court.

16-17-137. Jurisdiction over certain criminal matters.

Effective Dates. Acts 2011, No. 1191, Section 18 [17] of this act is January 1, § 18: Jan. 1, 2012. "The effective date of 2012."

16-17-108. Salaries of personnel and other requirements of various district courts.

(a) Unless otherwise provided by law, the salaries of the judges and other personnel of the various district courts shall be established as follows:

(1) The Arkansas County District Court — Northern District Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than fifty thousand dollars (\$50,000), the district court clerk shall receive an annual salary of not less than thirteen thousand eight hundred thirty-four dollars and ninety-two cents (\$13,834.92) nor more than thirty-four thousand dollars (\$34,000), and the deputy court clerk shall receive an annual salary of not less than eleven thousand four hundred seventy-five dollars (\$11,475) nor more than twenty-eight thousand dollars (\$28,000). The salaries shall be as determined by the governing body of the City of Stuttgart and the Arkansas County Quorum Court and paid one-half (½) by the city and one-half (½) by the county;

(2) The Arkansas County District Court — Southern District Judge shall receive an annual salary of not less than forty thousand dollars (\$40,000) nor more than fifty thousand dollars (\$50,000), the district court clerk shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than thirty-four thousand dollars (\$34,000), and the deputy clerk shall receive an annual salary of not less than twenty-three thousand dollars (\$23,000) nor more than twenty-eight thousand dollars (\$28,000). The salaries shall be determined by the governing body of the City of DeWitt and the Arkansas

County Quorum Court and paid one-half ($\frac{1}{2}$) by the city and one-half ($\frac{1}{2}$) by the county;

(3) The Ashley County District Court — Crossett Department Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-eight thousand dollars (\$38,000), and the district court clerk shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than thirty-five thousand dollars (\$35,000). The salaries shall be in an amount within the range prescribed in this subdivision (a)(3), as agreed upon by the Ashley County Quorum Court and the governing body of the City of Crossett;

(4) The Ashley County District Court — Hamburg Department Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-eight thousand dollars (\$38,000), and the district court clerk shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than thirty-five thousand dollars (\$35,000). The salaries shall be in an amount within the range prescribed in this subdivision (a)(4), as agreed upon by the Ashley County Quorum Court and the governing body of the City of Hamburg;

(5) The Baxter County District Court Clerk shall receive compensation in an amount as may be provided by the City of Mountain Home and the Baxter County Quorum Court. The salary shall be paid one-half ($\frac{1}{2}$) by the City of Mountain Home and one-half ($\frac{1}{2}$) by Baxter County;

(6) The Bradley County District Court Judge shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than thirty-six thousand dollars (\$36,000), as established by the Bradley County Quorum Court and approved by the governing body of the City of Warren;

(7)(A) The Calhoun County District Court Clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than twenty-four thousand dollars (\$24,000), as may be determined by the Hampton City Council and the Calhoun County Quorum Court.

(B) The salary shall be paid by the City of Hampton and Calhoun County in equal monthly installments;

(8) The Camden District Court Judge shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than fifty thousand dollars (\$50,000) to be paid by the City of Camden and Ouachita County;

(9) The Carroll County District Court — Eastern District Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-four thousand dollars (\$24,000);

(10) The Carroll County District Court — Western District Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-four thousand dollars (\$24,000);

(11)(A) The Chicot County District Court — Dermott Department Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than twenty-six thousand dollars (\$26,000).

(B)(i) The district court clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than twenty thousand dollars (\$20,000).

(ii) However, the district court clerk's position may be a full-time or part-time position.

(C) The salaries shall be in an amount within the range prescribed in this subdivision (a)(11) as agreed upon by the Chicot County Quorum Court and the governing body of the City of Dermott.

(D) The salary of the district court judge and the salary of the district court clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Dermott; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(12)(A) The Chicot County District Court — Eudora Department Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than twenty-six thousand dollars (\$26,000), and the district court clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than twenty thousand dollars (\$20,000).

(B) The salaries shall be in an amount within the range prescribed in subdivision (a)(12)(A) of this section as agreed upon by the Chicot County Quorum Court and the governing body of the City of Eudora.

(C) The salary of the district court judge and the salary of the district court clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Eudora; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(13)(A) The Chicot County District Court — Lake Village Department Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than twenty-six thousand dollars (\$26,000), and the district court clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than twenty thousand dollars (\$20,000). If authorized by the governing body of the City of Lake Village and the Chicot County Quorum Court, the district court judge shall be authorized to employ a full-time or part-time deputy district court clerk at an annual salary of not less than five thousand dollars (\$5,000) nor more than twelve thousand dollars (\$12,000). The salaries shall be in an amount within the range prescribed in this subdivision (a)(13)(A), as agreed upon by the Chicot County Quorum Court and the governing body of the City of Lake Village.

(B) The salary of the district court judge and the salary of the district court clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Lake Village; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(14) The Clark County District Court Clerk shall receive an annual salary of not less than twenty-eight thousand dollars (\$28,000) nor more than thirty-eight thousand dollars (\$38,000), to be established annually by the Clark County Quorum Court. Upon approval by the Clark County Quorum Court, the Clark County District Court Judge

may appoint one (1) deputy district court clerk to receive a salary as established by the Clark County Quorum Court;

(15)(A) The Clay County District Court Judge shall receive an annual salary of not less than seventeen thousand dollars (\$17,000) nor more than fifty thousand dollars (\$50,000), to be paid, as well as other current benefits, in equal monthly installments by Clay County.

(B) Fifty percent (50%) of the amount shall be reimbursed by the City of Corning, the City of Piggott, and the City of Rector at eighteen and one-half percent (18.5%), eighteen and one-half percent (18.5%), and thirteen percent (13%), respectively, to the county treasury.

(C) The clerks of the respective district courts shall receive an annual salary of not less than four thousand five hundred dollars (\$4,500) nor more than eighteen thousand dollars (\$18,000), to be paid, as well as other current benefits, in equal monthly installments by Clay County.

(D) Fifty percent (50%) of the amount shall be reimbursed by the respective cities;

(16) The Cleveland County District Court Clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than twenty-four thousand dollars (\$24,000), as may be determined by the Rison City Council and the Cleveland County Quorum Court;

(17) The Columbia County District Court Judge shall receive an annual salary of not less than twenty-four thousand dollars (\$24,000) nor more than fifty thousand dollars (\$50,000). Any salaries paid over the minimum salaries set in this subdivision (a)(17) shall be paid only upon the approval of the governing bodies of the City of Magnolia and Columbia County;

(18) The Conway County District Court Judge shall receive an annual salary of not less than thirty-two thousand five hundred dollars (\$32,500) nor more than forty-five thousand dollars (\$45,000). However, the salary may be increased by such an amount as may be agreed to by the Conway County Quorum Court and the governing body of the City of Morrilton by ordinances adopted by their respective bodies;

(19)(A) The Craighead County District Court Judge shall maintain dockets and hold court, as deemed necessary, in each of the county seats of Craighead County and may establish dockets and hold court in other cities and towns in Craighead County, as deemed necessary by ordinance adopted by the Craighead County Quorum Court.

(B) Necessary expenses appropriated for the Craighead County District Court shall be apportioned among and paid to the county from the respective cities of the first class and cities of the second class, incorporated towns, and the government of Craighead County as a prorated amount based on the number of cases filed from each of the towns and cities and the county during the preceding calendar year;

(20) The Cross County District Court Judge shall receive an annual salary of not less than thirty-three thousand dollars (\$33,000) nor more

than forty-four thousand dollars (\$44,000). This salary and the salaries of all court employees shall be as determined by the governing body of the City of Wynne;

(21) The Dallas County District Court Clerks shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than twenty-five thousand dollars (\$25,000), as may be determined by the Fordyce City Council and the Dallas County Quorum Court, and the salaries shall be paid by the City of Fordyce and Dallas County in equal monthly installments;

(22) The Desha County District Court — Dumas Department Judge shall receive an annual salary of not less than twenty-seven thousand five hundred dollars (\$27,500) nor more than forty-five thousand dollars (\$45,000). The clerk of the district court shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than thirty thousand dollars (\$30,000), and the deputy district clerk shall receive an annual salary of not less than fourteen thousand five hundred dollars (\$14,500) nor more than twenty-three thousand dollars (\$23,000). The salaries shall be paid one-half ($\frac{1}{2}$) by the Desha County Quorum Court and one-half ($\frac{1}{2}$) by the City of Dumas and shall be determined by the Desha County Quorum Court and the governing body of the City of Dumas;

(23) The Desha County District Court — McGehee Department Judge shall receive an annual salary of not less than twenty-seven thousand five hundred dollars (\$27,500) nor more than forty-five thousand dollars (\$45,000). The salary shall be paid one-half ($\frac{1}{2}$) by the Desha County Quorum Court and one-half ($\frac{1}{2}$) by the City of McGehee and shall be determined by the Desha County Quorum Court and the governing body of the City of McGehee. The district court clerk shall be employed and paid by the City of McGehee at such a salary as the governing body of the City of McGehee shall determine;

(24) The Drew County District Court Judge shall receive an annual salary of not less than thirty-eight thousand dollars (\$38,000) nor more than forty-eight thousand dollars (\$48,000). The salary shall be paid one-half ($\frac{1}{2}$) by the City of Monticello and one-half ($\frac{1}{2}$) by Drew County in the amount as may be agreed to by the Drew County Quorum Court and the governing body of the City of Monticello;

(25) The East Camden District Court Judge shall receive an annual salary of not less than three thousand eight hundred fifty-nine dollars (\$3,859) nor more than twenty-three thousand dollars (\$23,000), to be paid by the City of East Camden;

(26) The Elkins District Court Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-five thousand dollars (\$35,000). The annual salary for each clerk of the district court shall be not less than ten thousand dollars (\$10,000) nor more than thirty-five thousand dollars (\$35,000);

(27) The Fayetteville District Court Judge shall receive an annual salary of not less than eighty thousand dollars (\$80,000) nor more than one hundred forty-five thousand dollars (\$145,000);

(28) The Franklin County District Court — Charleston District Judge shall receive an annual salary of not less than ten thousand dollars (\$10,000) nor more than thirty thousand dollars (\$30,000). The salaries and costs may be set and the payment may be apportioned by agreement between the governing body of the City of Charleston and the Franklin County Quorum Court;

(29) The Franklin County District Court — Ozark District Judge shall receive an annual salary of not less than twenty-two thousand six hundred dollars (\$22,600) nor more than thirty-five thousand dollars (\$35,000). The salary and costs may be set and the payment thereof may be apportioned by agreement between the governing body of the City of Ozark and the Franklin County Quorum Court;

(30)(A) The Fulton County District Court Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than thirty-two thousand dollars (\$32,000). The annual salary of the Fulton County District Court Clerk shall be not less than fifteen thousand three hundred dollars (\$15,300) nor more than twenty-two thousand dollars (\$22,000).

(B) The expense of salaries, along with all other necessary and customary expenses of the court, shall be shared by Fulton County, the City of Salem, and the City of Mammoth Spring, based on a percentage of the actual number of cases handled through the court for each governmental entity. The percentage shall be determined annually by dividing the total number of cases handled by the district court into the number of cases handled annually for each of the aforementioned governmental entities. On January 1 of each year, each share shall be estimated based on the number of cases handled by the district court for each of the respective governmental entities for the preceding year. However, on December 31 of each year, each share shall be adjusted to reflect the actual percentage for each governmental entity for that year based on the actual case load.

(C) The salaries and expenses shall be paid in equal monthly installments by Fulton County, and the City of Salem and the City of Mammoth Spring shall reimburse the county on a monthly basis for their respective shares of salaries and expenses;

(31) The Garland County District Court Judges, Departments 1 and 2, shall receive an annual salary of not less than sixty-five thousand dollars (\$65,000) nor more than eighty-six thousand dollars (\$86,000), and the Garland County District Court Clerk shall receive an annual salary of not less than twenty-six thousand dollars (\$26,000) nor more than fifty-two thousand dollars (\$52,000). The salaries shall be determined by the governing body of the City of Hot Springs and the Garland County Quorum Court;

(32)(A) The Grant County District Court Judge shall receive an annual salary of not less than ten thousand dollars (\$10,000) nor more than fifty thousand dollars (\$50,000), as approved by the Grant County Quorum Court.

(B) The Grant County District Court Clerk shall receive an annual salary of not less than twenty-one thousand dollars (\$21,000) nor

more than thirty-six thousand dollars (\$36,000), as approved by the Grant County Quorum Court.

(C) The district court judge's and district court clerk's salary shall be paid as follows:

(i) Twenty-seven percent (27%) to be paid by the City of Sheridan; and

(ii) Seventy-three percent (73%) to be paid by Grant County;

(33) The Greene County District Court — Paragould District Clerk shall receive an annual salary of not less than nineteen thousand eight hundred fifty-six dollars (\$19,856) nor more than forty thousand dollars (\$40,000), the chief deputy district court clerk shall receive an annual salary of not less than sixteen thousand six hundred twenty-four dollars (\$16,624) nor more than thirty-five thousand dollars (\$35,000), and the deputy district court clerk shall receive an annual salary of not less than thirteen thousand three hundred fourteen dollars (\$13,314) nor more than thirty-two thousand dollars (\$32,000). The salaries shall be determined by the Greene County Quorum Court and the governing body of the City of Paragould and shall be paid in twelve (12) equal monthly installments;

(34) The Hempstead County District Court Clerk shall receive an annual salary of not less than twenty-four thousand dollars (\$24,000) nor more than thirty thousand dollars (\$30,000). The amount of the salary shall be determined by agreement between the governing body of the City of Hope and the Hempstead County Quorum Court;

(35) The Hot Spring County District Court Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than sixty-nine thousand five hundred dollars (\$69,500), as prescribed by the governing body of the City of Malvern and the Hot Spring County Quorum Court, and provided further, that the first seventeen thousand five hundred dollars (\$17,500) shall be paid fifty percent (50%) by the city and fifty percent (50%) by the county, and that portion of the annual salary in excess of seventeen thousand five hundred dollars (\$17,500) shall be paid by the city and county in the same proportion that the city and county shared in the revenues generated by the district court in the previous year. Furthermore, the Hot Spring County District Court Judge shall be entitled to an additional deputy district court clerk whose salary shall be determined by the governing body of the City of Malvern and the Hot Spring County Quorum Court, and the salary shall be paid by the city and county in the same proportion as the city and county shared in the revenues generated by the court in the previous year;

(36) The Howard County District Court Judge shall have an annual salary of not less than twenty-one thousand dollars (\$21,000). The Howard County District Court Clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than nineteen thousand dollars (\$19,000), unless provided for otherwise by ordinance of the Howard County Quorum Court and the governing body of the City of Nashville. The salaries are to be paid one-half (½) by the City of Nashville and one-half (½) by Howard County;

(37) The IZARD County District Court Judge shall receive an annual salary of not less than ten thousand two hundred dollars (\$10,200) nor more than thirty-three thousand dollars (\$33,000), and the district court clerk shall receive an annual salary of not less than seven thousand four hundred dollars (\$7,400) nor more than twenty-eight thousand dollars (\$28,000). However, the salaries shall be subject to the approval of the Melbourne City Council and the IZARD County Quorum Court;

(38) The JACKSON County District Court Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than fifty-five thousand dollars (\$55,000). The salary of the district court judge shall be paid one-half ($\frac{1}{2}$) by the City of Newport and one-half ($\frac{1}{2}$) by JACKSON County;

(39) The JACKSONVILLE District Court Clerk shall receive an annual salary of not less than thirty-three thousand nine hundred thirty-seven dollars (\$33,937) nor more than thirty-six thousand nine hundred dollars (\$36,900);

(40) The JASPER District Court Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-two thousand five hundred dollars (\$22,500), and the district court clerk shall receive an annual salary of not less than thirteen thousand dollars (\$13,000) nor more than eighteen thousand dollars (\$18,000). All salaries and all other expenses of the office shall be paid one hundred percent (100%) by the county;

(41) The JEFFERSON County District Court Clerks for Division 1 and Division 2 shall receive annual salaries of not less than twenty-eight thousand dollars (\$28,000) nor more than forty-five thousand dollars (\$45,000), as may be approved by the JEFFERSON County Quorum Court and the governing body of the City of Pine Bluff;

(42) The JOHNSON County District Court Judge shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than forty thousand dollars (\$40,000). This expense, as well as all other expenses related to the operation of the JOHNSON County District Court, is to be divided among the county and all cities within the county based on the percentage of the total fine money collected during the year by each participating entity;

(43) The LAFAYETTE County District Court Judge shall receive an annual salary of not less than seventeen thousand three hundred twelve dollars and nineteen cents (\$17,312.19) nor more than thirty thousand dollars (\$30,000), and the City of Lewisville shall pay to the district court judge at least five thousand two hundred eighty-seven dollars and fifty-three cents (\$5,287.53) but no more than nine thousand five hundred dollars (\$9,500) of the salary, and Lafayette County shall pay to the district court judge at least twelve thousand twenty-four dollars and sixty-six cents (\$12,024.66) but not more than twenty thousand five hundred dollars (\$20,500) of the salary. The Lafayette County District Court Clerk shall receive an annual salary of not less than fifteen thousand one hundred eighty-three dollars and fifty-nine

cents (\$15,183.59) nor more than twenty-two thousand dollars (\$22,000), and the City of Lewisville shall pay to the district court clerk at least four thousand seventy-five dollars and fifty cents (\$4,075.50) but not more than seven thousand seven hundred dollars (\$7,700) of the salary, and Lafayette County shall pay to the district court clerk not less than eleven thousand one hundred eight dollars and nine cents (\$11,108.09) but not more than fourteen thousand three hundred dollars (\$14,300) of the salary. Beginning January 1, 2008, the amount and manner of payment of the salaries of the district court judge and district court clerk may be established within the ranges specified in this subdivision (a)(43) by mutual agreement of the Lafayette County Quorum Court and the Lewisville City Council, as well as the amount and manner of payment of all other expenses of operation of the Lafayette County District Court;

(44)(A) The Lawrence County District Court — Hoxie Department Judge shall receive an annual salary of not less than thirteen thousand seven hundred forty dollars (\$13,740) nor more than twenty thousand dollars (\$20,000), to be paid by the City of Hoxie and approved by its governing body.

(B) The Lawrence County District Court — Walnut Ridge Department Judge shall receive an annual salary of not less than fifty-one thousand dollars (\$51,000) nor more than sixty thousand dollars (\$60,000), one-half ($\frac{1}{2}$) of the salary to be paid by the City of Walnut Ridge and the other one-half ($\frac{1}{2}$) to be paid by Lawrence County;

(45) The Lee County District Court Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than forty thousand dollars (\$40,000). The pro rata share of the salary attributable to the City of Marianna shall be at least seven thousand dollars (\$7,000) but not more than twenty thousand seven hundred dollars (\$20,700), and the pro rata share of the salary attributable to Lee County shall be at least nine thousand dollars (\$9,000) but not more than fifteen thousand three hundred dollars (\$15,300). Lee County shall pay all of the salary, and the City of Marianna shall reimburse Lee County on a monthly basis the pro rata share of the annual salary attributable to the City of Marianna;

(46) The Lincoln County District Court Judge shall receive an annual salary of not less than thirty-eight thousand dollars (\$38,000) nor more than forty-five thousand dollars (\$45,000);

(47) The Little River County District Court Judge shall receive an annual salary of not less than thirty-two thousand eight hundred dollars (\$32,800) nor more than sixty-five thousand dollars (\$65,000), as determined by the governing body of the City of Ashdown and the Little River County Quorum Court. The salary shall be paid sixty-two percent (62%) by Little River County and thirty-eight percent (38%) by the City of Ashdown, unless otherwise agreed by the Little River County Quorum Court and the governing body of the City of Ashdown;

(48) The Little Rock District Court Judges, Departments 1, 2, and 3, shall receive annual salaries of not less than one hundred fifteen

thousand dollars (\$115,000) nor more than one hundred fifty thousand dollars (\$150,000);

(49) The Logan County District Court — Northern District Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than forty thousand dollars (\$40,000), as may be determined by the Paris City Council and the Logan County Quorum Court and shall be payable one-half ($\frac{1}{2}$) by the City of Paris and one-half ($\frac{1}{2}$) by Logan County and shall be paid in twelve (12) equal monthly installments;

(50) The Logan County District Court — Southern District Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than forty thousand dollars (\$40,000), as may be determined by the Booneville City Council and the Logan County Quorum Court and shall be payable one-half ($\frac{1}{2}$) by the City of Booneville and one-half ($\frac{1}{2}$) by Logan County and shall be paid in twelve (12) equal monthly installments;

(51) The Lonoke County District Court — Northern District Cabot Department Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000) nor more than fifty thousand dollars (\$50,000), as may be determined by the governing body of the City of Cabot;

(52) The Lonoke County District Court — Northern District Ward Department Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000) nor more than fifty thousand dollars (\$50,000), as may be determined by the governing body of the City of Ward;

(53) The Lonoke County District Court — Southern District Carlisle Department Judge shall receive an annual salary of not less than four thousand five hundred dollars (\$4,500) nor more than nineteen thousand dollars (\$19,000);

(54) The Lonoke County District Court — Southern District England Department Judge shall receive an annual salary of not less than four thousand five hundred dollars (\$4,500) nor more than nineteen thousand dollars (\$19,000);

(55)(A) The Lonoke County District Court — Southern District Lonoke Department Judge shall receive an annual salary of not less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars (\$25,000), as may be determined by the governing body of the City of Lonoke.

(B)(i) Necessary expenses appropriated by the City of Lonoke for the district court shall be apportioned among and paid to the City of Lonoke by the cities of the first class, cities of the second class, incorporated towns, and the county as a prorated amount based on the number of cases filed from each of the cities of the first class, cities of the second class, incorporated towns, and the county during the preceding year.

(ii) An itemized bill shall be prepared by the City of Lonoke fixing the apportioned expenses, and payment shall be made no later than

sixty (60) days following the submission by the City of Lonoke of the bills;

(56) The Madison County District Court Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than thirty-six thousand dollars (\$36,000);

(57) The Marion County District Court Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-five thousand dollars (\$35,000);

(58) The Marion District Court Judge shall receive an annual salary of not less than forty thousand dollars (\$40,000) nor more than fifty-one thousand dollars (\$51,000). This salary shall be as determined by the Marion City Council;

(59) The Maumelle District Court Judge shall receive an annual salary of not less than twenty thousand three hundred fifty dollars (\$20,350) nor more than forty thousand dollars (\$40,000). The district court clerk shall receive an annual salary of not less than seventeen thousand five hundred dollars (\$17,500) nor more than fifty thousand dollars (\$50,000). The salary of both the judge and the district court clerk shall be as determined by the City of Maumelle Board of Directors;

(60)(A) The Miller County District Court shall have two (2) departments, the City of Texarkana Department and the Miller County Department.

(B) The Miller County District Court — City of Texarkana Department shall hear all civil and criminal cases arising out of violations of city ordinances and those cases arising out of violations of state laws committed within the corporate limits of the City of Texarkana and all other cases in controversy arising within the corporate limits of the city within the jurisdiction of a district court as established by law. The Miller County District Court — City of Texarkana Department shall have a chief district court clerk whose salary shall be paid by the City of Texarkana in an amount to be determined by its governing body.

(C) The Miller County District Court — Miller County Department shall hear all civil and criminal cases arising out of violations of any of the laws of the state committed outside the corporate limits of the City of Texarkana and all other cases in controversy arising outside the corporate limits of the city within the jurisdiction of a district court as established by law. The Miller County District Court — Miller County Department shall have a chief district court clerk whose salary shall be paid by Miller County in an amount to be determined by its quorum court;

(61) The Mississippi County District Court — Osceola District Court Judge shall receive an annual salary of not less than seventy-two thousand dollars (\$72,000) nor more than one hundred thousand dollars (\$100,000), as may be approved by the Mississippi County Quorum Court and the governing body of Osceola;

(62) The Monroe County District Court — Brinkley Department Judge shall receive an annual salary of not less than ten thousand two

hundred dollars (\$10,200) nor more than thirty-five thousand dollars (\$35,000), and the Monroe County District Court — Brinkley Department Court Clerk shall receive an annual salary of not less than ten thousand four hundred eighty-eight dollars (\$10,488) and not more than twenty-seven thousand five hundred dollars (\$27,500);

(63) The Monroe County District Court — Clarendon Department Judge shall receive an annual salary of not less than four thousand eight hundred dollars (\$4,800) and the Monroe County District Court — Clarendon Department Clerk shall receive an annual salary of not less than eight thousand nine hundred eighty-eight dollars (\$8,988);

(64) The Montgomery County District Court Judge shall receive an annual salary of not less than seventeen thousand dollars (\$17,000) nor more than thirty thousand dollars (\$30,000) to be paid in equal monthly installments. The district court clerk shall receive an annual salary of not less than nineteen thousand dollars (\$19,000) nor more than twenty-seven thousand dollars (\$27,000), and the district court secretary shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-two thousand dollars (\$22,000). Montgomery County shall pay eighty percent (80%) of the salaries, and the City of Mt. Ida shall pay twenty percent (20%) of the salaries;

(65) The Nevada County District Court Clerk salary shall be not less than twelve thousand dollars (\$12,000) nor more than eighteen thousand dollars (\$18,000). The salary for the district court clerk shall be established within these ranges by the Nevada County Quorum Court and the Prescott City Council, and the salary shall be paid sixty percent (60%) by Nevada County and forty percent (40%) by the City of Prescott. The salary shall be paid in equal monthly installments;

(66) The Newton County District Court Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than twenty-six thousand dollars (\$26,000), and the clerk of the district court shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than twenty-two thousand dollars (\$22,000), as determined by ordinance or resolution adopted by the Newton County Quorum Court;

(67)(A) The North Little Rock District Court Judges, Divisions 1 and 2, are each authorized to employ a chief district court clerk, whose salary shall be at least thirty-two thousand five hundred dollars (\$32,500) but not more than fifty-five thousand five hundred dollars (\$55,500), a deputy district court clerk, whose salary shall be at least thirty-two thousand dollars (\$32,000) but not more than forty-two thousand five hundred dollars (\$42,500), and two (2) district court clerks, whose salaries shall each be at least twenty thousand dollars (\$20,000) but not more than forty thousand dollars (\$40,000).

(B) The North Little Rock District Court Judges, Divisions 1 and 2, subject to the approval of the governing body of North Little Rock, may each employ an additional district court clerk whose salary shall be at least twenty thousand dollars (\$20,000) but not more than forty thousand dollars (\$40,000);

(68) The Perry County District Court Judge shall receive an annual salary to be paid by Perry County of not less than twenty-three thousand five hundred dollars (\$23,500) nor more than thirty thousand dollars (\$30,000);

(69) The Phillips County District Court Judges, Departments 1 and 2, shall receive annual salaries of not less than thirty-five thousand dollars (\$35,000) nor more than fifty-five thousand dollars (\$55,000). The salaries shall be determined by the governing body of the City of Helena-West Helena and the Phillips County Quorum Court, with the City of Helena-West Helena paying sixty percent (60%) of the salaries and Phillips County paying forty percent (40%) of the salaries. Subject to the annual salary cap of fifty-five thousand dollars (\$55,000), the salaries may be increased, but any increase in the base salaries shall be borne entirely by the governing body or bodies that approved the increase;

(70) The Pike County District Court Judge shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than fifteen thousand dollars (\$15,000), and the district court clerk shall receive an annual salary of not less than three thousand dollars (\$3,000) nor more than thirty-five thousand dollars (\$35,000). Seventy-five percent (75%) of the salaries shall be paid by Pike County, and twenty-five percent (25%) shall be paid by the City of Murfreesboro;

(71) The Poinsett County District Court shall consist of five (5) departments located in Harrisburg, Lepanto, Marked Tree, Trumann, and Tyronza. All five (5) departments shall be served by one (1) judge. The salary of the district court clerk of each department will be as determined by the Poinsett County Quorum Court and the governing body of each municipality where the department is located. The salary of each district court clerk shall be payable one-half ($\frac{1}{2}$) by Poinsett County and one-half ($\frac{1}{2}$) by the municipality. Each municipality shall receive from the county each month the county's share of the district court clerk's salaries;

(72) The Polk County District Court Judge shall receive an annual salary of not less than thirty-two thousand dollars (\$32,000) nor more than forty-six thousand dollars (\$46,000) to be paid in equal monthly installments, with fifty-six percent (56%) to be paid by Polk County, twenty-seven percent (27%) to be paid by the City of Mena, and seventeen percent (17%) to be paid by the town of Grannis;

(73) The Pope County District Court Clerk shall receive an annual salary of not less than twenty-three thousand dollars (\$23,000) nor more than forty thousand dollars (\$40,000), the chief deputy district court clerk of the court shall receive an annual salary of not less than eighteen thousand five hundred dollars (\$18,500) nor more than thirty-six thousand dollars (\$36,000), and the deputy district court clerk of the court shall receive an annual salary of not less than sixteen thousand five hundred dollars (\$16,500) nor more than twenty-seven thousand five hundred dollars (\$27,500);

(74) The Prairie County District Court — Northern District Judge shall receive an annual salary of not less than seven thousand dollars (\$7,000) nor more than fifteen thousand dollars (\$15,000);

(75) The Prairie County District Court — Southern District Biscoe Department Judge shall receive an annual salary of not less than three thousand six hundred dollars (\$3,600) nor more than thirteen thousand six hundred dollars (\$13,600);

(76) The Prairie County District Court — Southern District DeValls Bluff Department Judge shall receive an annual salary of not less than three thousand six hundred dollars (\$3,600) nor more than thirteen thousand six hundred dollars (\$13,600);

(77) The Prairie County District Court — Southern District Hazen Department Judge shall receive an annual salary of not less than six thousand four hundred dollars (\$6,400) nor more than sixteen thousand four hundred dollars (\$16,400);

(78) The Prairie Grove District Court Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000) nor more than forty-two thousand dollars (\$42,000), and the district court clerk shall receive an annual salary of not less than twelve thousand five hundred dollars (\$12,500) nor more than thirty-nine thousand three hundred seventy-five dollars (\$39,375);

(79) The Pulaski County District Court Clerk shall receive an annual salary of not less than thirty-seven thousand dollars (\$37,000) nor more than sixty-five thousand six hundred fifty dollars (\$65,650), and the district court bailiff shall receive an annual salary of not less than thirty-two thousand dollars (\$32,000) nor more than forty-eight thousand three hundred dollars (\$48,300);

(80) The Randolph County District Court Judge shall receive an annual salary of not less than nineteen thousand dollars (\$19,000) nor more than forty-five thousand dollars (\$45,000), and the district court clerk shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than thirty-five thousand dollars (\$35,000). The salaries shall be payable one-half ($\frac{1}{2}$) by the City of Pocahontas and one-half ($\frac{1}{2}$) by Randolph County and shall be payable in twelve (12) equal monthly installments;

(81) The Saline County District Court — Benton Department Clerk shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than fifty thousand dollars (\$50,000). The salary shall be as determined by the governing body of the City of Benton and the Saline County Quorum Court;

(82) The Scott County District Court Judge shall receive an annual salary of not less than twenty-seven thousand dollars (\$27,000) nor more than thirty-five thousand dollars (\$35,000), and the district court clerk shall receive an annual salary of not less than thirteen thousand dollars (\$13,000) nor more than twenty thousand dollars (\$20,000). The salaries shall be subject to the approval of the Waldron City Council and the Scott County Quorum Court and shall be paid in equal monthly installments, one-half ($\frac{1}{2}$) to be paid by the City of Waldron and one-half ($\frac{1}{2}$) to be paid by Scott County;

(83) The Searcy County District Court Judge shall receive an annual salary of not less than twenty-two thousand five hundred dollars (\$22,500) nor more than thirty-three thousand dollars (\$33,000), and the clerk of the district court shall receive an annual salary of not less than eighteen thousand five hundred dollars (\$18,500) nor more than twenty-two thousand dollars (\$22,000), as determined by the Searcy County Quorum Court and the governing body of the City of Marshall by ordinances or resolutions adopted by the respective bodies. The salary of the district court judge shall be determined by ordinances or resolutions of the quorum court and the governing body of the city within the minimum and maximum prescribed in this subdivision (a)(83). All salaries shall be paid fifty percent (50%) by Searcy County and fifty percent (50%) by the City of Marshall. The salaries shall be paid in equal monthly installments. The Searcy County District Court Judge shall be of good moral character, shall be a resident and elector of the city, county, and the state, and shall possess the qualifications required by law of circuit court judges;

(84) The Sebastian County District Court — Fort Smith District Judges, Departments 1, 2, and 3, each shall appoint a qualified elector to serve as district court clerk. The salaries of the district court clerks and any special district court judges authorized by this subdivision (a)(84) and the operating expenses of the Sebastian County District Court — Fort Smith District shall be paid seventy percent (70%) by the City of Fort Smith and thirty percent (30%) by Sebastian County;

(85) The Sebastian County District Court — Greenwood District salaries of the district court clerk and the district court clerk's deputies shall be set by the Sebastian County Quorum Court. The salaries shall be paid ninety percent (90%) by Sebastian County and ten percent (10%) by the City of Greenwood. In order to defray the expenses of operating the Sebastian County District Court — Greenwood District, ninety percent (90%) of the Sebastian County net fines, ten percent (10%) of the City of Greenwood net fines, and fifteen percent (15%) of all other cities' net fines processed by the Sebastian County District Court — Greenwood District may or shall be deposited in a bank account entitled the Greenwood District Court Operating Fund to be administered by the Sebastian County District Court — Greenwood District Judge pursuant to a budget approved as follows: the district court judge shall submit a proposed annual budget to a committee composed of the members of the quorum court that represent the Greenwood District of Sebastian County. The committee shall approve the district court judge's budget or formulate a reasonable budget that shall be approved by the Sebastian County Quorum Court, unless found by a majority of the quorum court to be clearly excessive. If funds provided from the fines as set out in this subdivision (a)(85) become insufficient or excessive, the committee shall adjust the percentage of fines on a pro rata basis to increase or decrease the funds necessary to operate the district court pursuant to the budget established in this subdivision (a)(85). The Sebastian County District Court Judge — Greenwood District shall be bonded in accordance with §§ 19-1-401 — 19-1-403;

(86) The Sevier County District Court Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than eighty percent (80%) of the annual salary established by law for circuit court judges. The Sevier County District Court Clerk shall have an annual salary of not less than fourteen thousand dollars (\$14,000). The salaries, expenses, and operating costs of the Sevier County District Court shall be paid equally by the City of DeQueen and Sevier County;

(87) The Sharp County District Court Judge shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than forty thousand dollars (\$40,000), and the Sharp County District Court Clerk shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-four thousand four hundred dollars (\$24,400), as determined by the Sharp County Quorum Court and to be paid by Sharp County;

(88) The Sherwood District Court Judge shall receive an annual salary of not less than sixty thousand dollars (\$60,000) nor more than ninety-five thousand dollars (\$95,000), and the district court clerk shall receive an annual salary of not less than fifty thousand dollars (\$50,000) nor more than seventy-five thousand dollars (\$75,000). The salaries are to be determined by the governing body of the City of Sherwood;

(89) The Springdale District Court Judge shall receive an annual salary of not less than one hundred ten thousand dollars (\$110,000) nor more than one hundred sixty-five thousand dollars (\$165,000), as determined by the governing body of the City of Springdale;

(90) The Stone County District Court Judge shall receive an annual salary of not less than eight thousand dollars (\$8,000) nor more than thirty thousand dollars (\$30,000), and the district court clerk shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than twenty-three thousand dollars (\$23,000). The salaries shall be subject to the approval of the Mountain View City Council and the Stone County Quorum Court;

(91) The Van Buren County District Court Judge shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than forty thousand dollars (\$40,000), as determined by the Clinton City Council and the Van Buren County Quorum Court. This salary and that of the district court clerk and any district court clerk deputies shall be apportioned between the county and any city in the county by agreement between the respective governing bodies;

(92) The West Fork District Court Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000) nor more than forty-two thousand dollars (\$42,000). The annual salary for each district court clerk shall be not less than twelve thousand five hundred dollars (\$12,500) nor more than thirty-nine thousand three hundred seventy-five dollars (\$39,375);

(93) The White County District Court — Beebe Department Clerk shall receive an annual salary of not less than twenty-five thousand two

hundred ten dollars (\$25,210) nor more than forty thousand nine hundred ninety dollars (\$40,990);

(94) The Woodruff County District Court Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than thirty-six thousand dollars (\$36,000);

(95) The Wrightsville District Court Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-five thousand dollars (\$25,000). The district court clerk shall receive an annual salary of not less than ten thousand nine hundred twenty-six dollars (\$10,926) nor more than twenty thousand dollars (\$20,000). The salaries shall be determined by the City of Wrightsville Board of Directors;

(96) The Yell County District Court — Northern District Judge shall receive an annual salary of not less than ten thousand one hundred six dollars (\$10,106) nor more than twenty-one thousand six hundred forty-three dollars (\$21,643), as determined by the Yell County Quorum Court; and

(97) The Yell County District Court — Southern District Judge shall receive an annual salary of not less than ten thousand one hundred six dollars (\$10,106) nor more than twenty-one thousand six hundred forty-three dollars (\$21,643), as determined by the Yell County Quorum Court.

(b)(1) The Elkins District Court Judge, Fayetteville District Court Judge, Prairie Grove District Court Judge, Springdale District Court Judge, and West Fork District Court Judge, at the request of the Washington County Circuit Court and with the consent of the respective district court judges, may perform certain functions as a judicial officer and as authorized by the Arkansas Rules of Criminal Procedure or may perform certain pretrial functions, including, but not limited to, conducting pretrial release inquiries, making reasonable cause determinations, accepting pleas of not guilty or not guilty by reason of insanity, and issuing search warrants, arrest warrants, and summons.

(2) Additional compensation in excess of the salary provided in this section may be paid and must be approved by appropriation ordinances of the engaging county quorum court.

(c) The local salary supplement paid to a district court judge under § 16-17-115(c) shall not be used when calculating the salary established in this section.

History. Acts 1989, No. 425, §§ 1, 2; 1989, No. 443, § 3; 1989, No. 706, § 3; 1989, No. 873, § 1; 1989 (3rd Ex. Sess.), No. 13, § 1; 1989 (3rd Ex. Sess.), No. 29, § 1; 1989 (3rd Ex. Sess.), No. 67, §§ 1-6; 1991, No. 35, § 1; 1991, No. 715, §§ 1, 4; 1991, No. 982, § 1; 1991, No. 1152, § 1; 1992 (1st Ex. Sess.), No. 3, § 1; 1992 (1st Ex. Sess.), No. 6, § 1; 1992 (1st Ex. Sess.), No. 33, §§ 1, 3; 1992 (1st Ex. Sess.), No. 39, § 1; 1993, No. 1260, § 1; 1994 (2nd

Ex. Sess.), No. 29, § 4; 1995, No. 1346, § 1; 1995 (1st Ex. Sess.), No. 13, § 6; 1997, No. 424, § 1; 1997, No. 1349, § 1; 1999, No. 1470, § 1; 2001, No. 1714, § 1; 2003, No. 1475, § 1; 2005, No. 1814, § 1; 2005, No. 2194, § 1; 2005, No. 2220, § 1; 2007, No. 737, § 1; 2009, No. 1446, § 1; 2011, No. 15, § 1; 2011, No. 1191, §§ 1-17; 2013, No. 1346, § 1.

Amendments. The 2011 amendment by No. 15, in (a)(85), substituted “1, 2, and

3, each" for "1 and 2" and deleted the former last sentence.

The 2011 amendment by No. 1191 increased salary ranges throughout (a)(2), (a)(6), (a)(17), (a)(39), (a)(40), (a)(42), (a)(46), (a)(54), (a)(57), (a)(61), (a)(70), (a)(72), (a)(84), (a)(89), (a)(95), and (a)(96); substituted "paid one-half (½) by the city and one-half (½) by the county" for "paid

equally by the city and the county" in (a)(2); in (a)(72), inserted "by the Poinsett County Quorum Court and" and deleted "The county shall also pay one-half (½) of the expenses of all departments of the court" at the end; and added (c).

The 2013 amendment rewrote the section.

16-17-129. Levy to defray cost of incarcerating city and county prisoners.

(a)(1)(A) In addition to all fines now or as may hereafter be provided by law, the governing body of each town or city in which a district court is located may by ordinance levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in § 16-17-707.

(B) Except as provided in subdivision (a)(1)(C) of this section, all sums collected from the additional fine described in subdivision (a)(1)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(C) All sums collected from the additional fine described in subdivision (a)(1)(A) of this section in any district court that is funded solely by the county shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating county prisoners, including the construction and maintenance of the county jail.

(2)(A) In addition to all fines provided by law, the governing body of each town or city that has a police department or city marshal, and which contributes to the expenses of a district court under § 16-17-1203, by ordinance may levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in cases from the contributing town or city filed in the district court to which the town or city contributes.

(B) All sums collected from the additional fine described in subdivision (a)(2)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(b)(1) In addition to all fines now or as may hereafter be provided by law, the quorum court of each county may by ordinance levy an

additional fine not to exceed twenty dollars (\$20.00) to be collected from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in § 16-17-707. A county ordinance enacted under this subdivision (b)(1) applies to all district courts in the county.

(2) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases in the first class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of:

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Deferring the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jail personnel.

(3) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases of the second class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of:

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Deferring the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jailers and deputy sheriffs.

(c)(1) In counties having a county regional detention facility, the additional fine levied by the county under this section shall be deposited into a special fund within the county treasury.

(2) The revenues generated by the additional fine shall be used exclusively for maintenance, operation, and capital expenditures of the regional detention facility.

(d) It is the intention of the General Assembly that the revenues derived from the additional fines levied under this section shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of the regional detention facilities.

(e)(1) The additional fine authorized in subsection (a) of this section shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation.

(2) The fine may be imposed:

(A) By all courts within a city of the first class, city of the second class, incorporated town, or county in this state that has by ordinance levied the fine; and

(B) In all cases classified as county cases or city cases.

History. Acts 1999, No. 1336, §§ 1, 2; 2003, No. 1185, § 118; 2003, No. 1188, § 1; 2005, No. 1373, § 1; 2007, No. 1417, §§ 1, 2; 2009, No. 209, § 2; 2013, No. 1365, § 1.

Amendments. The 2013 amendment, in (a)(2)(A), deleted “now or as may hereafter by” following “fines,” substituted “that has a police department or city mar-

shal, and which contributes to the expenses of a district court under § 16-17-1203” for “in which a city court is located may,” added “may,” and substituted “cases from the contributing town or city filed in the district court to which the town or city contributes” for “the city court of the city or town.”

16-17-134. Change of venue from lower courts in certain counties to municipal court.

Notwithstanding § 16-19-409 or any other law to the contrary:

(1)(A) In any criminal case brought before any city court in a county with a population between eighty-nine thousand (89,000) persons and one hundred fifty-three thousand (153,000) persons according to the 2000 Federal Decennial Census and in which a district court exists, the judge shall grant a change of venue to the district court, upon the defendant’s motion, without the prepayment or tender of any fees.

(B) Upon filing the motion, the court shall have no further jurisdiction in the case, except for the purpose of preparing a transcript for the district court;

(2) In the event of any change of venue from a city court to a district court in a county with a population between eighty-nine thousand (89,000) persons and one hundred fifty-three thousand (153,000) persons according to the 2000 Federal Decennial Census and in which more than one (1) district court exists, the case shall be transferred to the district court geographically nearest in the county; and

(3) In no event shall any change of venue lie from any district court in a county with a population between eighty-nine thousand (89,000) persons and one hundred fifty-three thousand (153,000) persons according to the 2000 Federal Decennial Census to any city court in criminal cases.

History. Acts 2003, No. 673, § 1; 2011, No. 1132, § 9.

Amendments. The 2011 amendment substituted “§ 16-19-409” for “§§ 16-17-218 [Repealed] and 16-19-409” in the introductory language; and substituted “city

court” for “justice of the peace in any township, police court, city court, corporation court, or any court of common pleas” with minor variations in (1)(A), (2), and (3).

16-17-136. Waiver of appearance and entry of plea to traffic violations in district court and city court.

Notwithstanding any rule of criminal procedure to the contrary:

(1) A person who is charged in district court or city court with committing an offense, excluding a violation of the Omnibus DWI Act, § 5-65-101 et seq., or the Underage DUI Law, § 5-65-301 et seq., or any other offense for which a court appearance is mandatory, may waive appearance and trial and plead guilty or nolo contendere by a signed statement;

(2)(A) With the signed statement, the person shall pay the fine and court costs in an amount as established by the district court or city court within the limits prescribed by law.

(B) Fines and court costs shall be paid to the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in the district courts and city courts of this state;

(3) The court shall accept the signed statement accompanied by the fine and court costs assessed as a plea of guilty or nolo contendere and shall proceed accordingly; and

(4) Submitting payment under subsection (2)(A) through a website constitutes an agreement to be bound by an electronic record under the Arkansas Electronic Records and Signatures Act, § 25-31-101 et seq., and complies in all respects with the requirements of this section.

History. Acts 2005, No. 1934, § 25; **Amendments.** The 2011 amendment 2009, No. 633, § 12; 2011, No. 1218, § 4. added (4).

16-17-137. Jurisdiction over certain criminal matters.

(a) If authorized by the administrative plan for the judicial circuit required by Administrative Order No. 14 of the Supreme Court, a state district court judge may preside over the following criminal matters:

(1) A drug court program authorized under the Arkansas Drug Court Act, § 16-98-301 et seq.;

(2) A probation supervision program; and

(3) A parole supervision program.

(b) The administrative judge of the judicial district may withdraw authorization under this section at any time.

History. Acts 2011, No. 1137, § 2.

A.C.R.C. Notes. Acts 2011, No. 1137, § 1, provided: "Legislative findings.

"(a) In a per curiam opinion dated February 9, 2011, the Supreme Court addressed the recommendations of the District Court Resource Assessment Board, one (1) of which stated that the General Assembly could authorize a state district court judge to preside over a drug court

program, probation revocation proceeding, or a parole revocation proceeding. In Re Amendments to Administrative Order Nos. 4 and 18 and Regulations of the Arkansas Board of Certified Court Reporter Examiners § 1, 2011 Ark. 57 (2011).

"(b) That the General Assembly finds that allowing a state district court judge to preside over a drug court, a probation

revocation proceeding, or a parole revocation proceeding promotes the sound and efficient administration of justice.”

SUBCHAPTER 2 — ESTABLISHMENT IN CITIES OF 2,400 OR MORE AND COUNTY SEAT TOWNS OF LESS THAN 2,400

SECTION.

16-17-210. Special judges.

16-17-211. District court clerks generally.

16-17-210. Special judges.

(a) If a district judge is disqualified or temporarily unable to serve, or if the Chief Justice of the Supreme Court shall determine that there is other need for a special judge to be temporarily appointed, a special judge may be assigned by the Chief Justice or elected by the bar of the district court, under rules prescribed by the Supreme Court, to serve during the period of temporary disqualification, absence, or need.

(b) A special judge shall have the same power and authority in the court as the regular district judge would have if present and presiding and shall have the same qualifications as are required by law for the regular district judge.

(c) A district judge who is assigned by the Chief Justice to act as a special judge under this section shall receive reimbursement of expenses for his or her service at the rate provided for in § 16-17-1108.

History. Acts 1927, No. 60, § 5; Pope’s Dig., § 9901; Acts 1973, No. 165, § 1; A.S.A. 1947, § 22-705; Acts 2003, No. 1185, §§ 125, 126; 2011, No. 274, § 7.

A.C.R.C. Notes. Acts 2011, No. 274, § 1, provided: “Legislative intent.

“(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

“(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

“(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification.”

Amendments. The 2011 amendment, in (c), substituted “district judge who is assigned by the Chief Justice to act as a special judge” for “special judge assigned or elected,” “reimbursement of expenses” for “compensation,” and “at the rate provided for in § 16-17-1108” for “as provided by law.”

16-17-211. District court clerks generally.

(a) The judge of any district court may appoint a clerk for the court, who shall be designated and known as the district court clerk.

(b)(1) The city council of the city in which the court is located shall fix the salary of the district court clerk at a reasonable sum, the salary to be computed on an annual basis.

(2) However, where the county in which the court is located is to pay any portion of the clerk's salary, the salary must also be approved by the quorum court of that county. Further, if the expenses and salaries of any district court are paid entirely by the county in which the court is located, the salary of the clerk shall be fixed by the quorum court of the county and not by the city council.

(c) The district court clerk shall keep a fair record of all the acts done and proceedings had in the court and shall enter all judgments of the court, under the direction of the judge.

(d) The district court clerk shall:

(1) Administer oaths, including special judges of district court under § 16-17-210;

(2) Take affidavits required or permitted in the progress of the action;

(3) Keep a complete docket of all proceedings to the extent and in the manner directed by the judge;

(4) Record the judgments, rules, orders, and other civil or criminal proceedings of the court and keep an alphabetical index thereof;

(5) Keep such other dockets, books, and indices as may be required by law or by the judge; and

(6) Issue and attest all process.

(e) Where the duties of the office of district court clerk do not require a full-time employee, the city council may require that the duties of the clerk be performed by any other officer of the city, except a member of the police department or marshal's office.

History. Acts 1927, No. 60, § 12; Pope's Dig., § 9908; Acts 1951, No. 280, § 1; 1953, No. 313, § 3; 1963, No. 57, § 1; 1963, No. 175, § 1; 1975, No. 873, § 1; 1981, No. 74, § 1; A.S.A. 1947, § 22-713; Acts 1995, No. 555, § 1; 2003, No. 1185, § 125; 2003, No. 1765, § 18; 2009, No. 633, § 13; 2011, No. 1174, § 9.

Amendments. The 2011 amendment subdivided (b); deleted "and payable in equal monthly installments" at the end of (b)(1); substituted "Record" for "Seasonably record" in (d)(4); deleted former (e) and redesignated the following subsection accordingly; and added the exception at the end of present (e).

SUBCHAPTER 7 — DISTRICT COURT CIVIL JURISDICTION ACT

16-17-707. Separate accounting records of fines, etc. — Disbursements.

Amendments. The 2009 amendment by No. 411 inserted present (b)(3) and redesignated former (b)(3) as (b)(4).

SUBCHAPTER 8 — APPEALS

SECTION.

16-17-802. Combining multiple misdemeanor court convictions.

16-17-802. Combining multiple misdemeanor court convictions.

If a person who has been convicted of more than one (1) related misdemeanor offense in district court or city court shall present otherwise lawfully sufficient documents to the circuit clerk for an appeal of the related convictions, accompanied by an affidavit of the person or his or her attorney stating that the convictions arise out of the same set of facts and circumstances, the circuit clerk shall:

- (1) Combine the convictions; and
- (2)(A) Prepare and file the appeal as one (1) case.
- (B) Charge only one (1) filing fee for the appeal.

History. Acts 1999, No. 232, § 1; 2001, No. 1809, § 10; 2011, No. 1132, § 10.

Amendments. The 2011 amendment substituted “district court or city court” for “municipal court, district court, city court, or police court” in the introductory language.

SUBCHAPTER 9 — JUDICIAL DISTRICTS — JUDGES FOR DISTRICT COURTS

SECTION.

16-17-909. Benton County District Courts.
 16-17-926. Woodruff County District Court.
 16-17-939. Conway County District Court.

SECTION.

16-17-951. Little River County District Court.
 16-17-956. Perry County District Court.
 16-17-957. Clark County District Court.

16-17-909. Benton County District Courts.

(a)(1) Benton County shall have the following district courts and judges:

(A) Rogers shall have one (1) district court and one (1) district judge;

(B) Bentonville shall have one (1) district court and one (1) district judge;

(C) Siloam Springs shall have one (1) district court and one (1) district judge; and

(D) Benton County West shall have one (1) district court and one (1) district judge.

(2)(A) Benton County shall have the following departments:

- (i) One (1) located in Bethel Heights;
- (ii) One (1) located in Cave Springs;
- (iii) One (1) located in Centerton;
- (iv) One (1) located in Gravette;
- (v) One (1) located in Little Flock;
- (vi) One (1) located in Lowell;
- (vii) One (1) located in Pea Ridge; and
- (viii) One (1) located in Sulphur Springs.

(B) The presiding judge of the departments under subdivision (a)(2)(A) of this section shall be determined by the mutual agreement of the district court judges under the superintending control of the Nineteenth Judicial District — West administrative circuit judge.

(3) For the purpose of venue, the district court boundaries in Benton County shall be as follows:

(A) Rogers District Court (District Court 1):

(i) All of District 94, District 95, and District 96 of the House of Representatives as drawn by The Board of Apportionment in 2002;

(ii) That part of District 98 of the House of Representatives as drawn by The Board of Apportionment in 2002 that is in Benton County Quorum Court District 1 as established by the Benton County Election Commission;

(iii) That part of Benton County Quorum Court District 6 as established by the Benton County Election Commission that is in District 96 and District 98 of the House of Representatives as drawn by The Board of Apportionment in 2002; and

(iv) All of precinct 43, precinct 44, and precinct 49, as those precincts existed in 2003;

(B) Bentonville District Court (District Court 2 — Bentonville):

(i) All of District 7, District 8, District 10, and District 9 except for precinct 22, as that precinct existed in 2003, of the Benton County Quorum Court as established by the Benton County Election Commission;

(ii) All of District 99 of the House of Representatives as drawn by The Board of Apportionment in 2002 except for precinct 43, precinct 44, and precinct 49, as those precinct existed in 2003; and

(iii) All of precinct 45, as that precinct existed in 2003;

(C) Siloam Springs District Court (District Court 3 — Siloam Springs):

(i) All of District 97 of the House of Representatives as drawn by The Board of Apportionment in 2002; and

(ii) All of precinct 7, precinct 14, precinct 16, and precinct 17, as those precincts existed in 2003; and

(D) Benton County West District Court (District Court 4 — Benton County West):

(i) All of Benton County Quorum Court District 11 as established by the Benton County Election Commission; and

(ii) All of precinct 6, precinct 15, precinct 18, precinct 19, and precinct 22, as those precincts existed in 2003.

(b) The judge of any district court in Benton County shall be elected countywide.

(c) The jurisdiction of any district court in Benton County shall be countywide.

History. Acts 2003, No. 1727, § 9; 2003 (2nd Ex. Sess.), No. 45, § 1; 2007, No. 663, § 7; 2011, No. 1132, § 11.

Amendments. The 2011 amendment deleted former (a)(1) and the introductory language of (a)(2) and redesignated the remaining subdivisions accordingly; sub-

stituted “subdivision (a)(2)(A)” for “subdivision (a)(2)(B)” in present (a)(2)(B); substituted “All of precinct” for “All of the now existing precinct” and substituted “except for precinct” for “except for the now existing precinct” throughout the section; inserted “as those precincts existed in 2003”

or variant throughout the section; and deleted "Effective January 1, 2009" at the beginning of (c).

16-17-926. Woodruff County District Court.

(a)(1) Woodruff County shall have one (1) district court with four (4) departments:

- (A) One (1) located in Augusta;
- (B) One (1) located in Cotton Plant;
- (C) One (1) located in McCrory; and
- (D) One (1) located in Patterson.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Woodruff County District Court Judge shall be elected countywide.

(c) The Woodruff County District Court shall have countywide jurisdiction.

History. Acts 2005, No. 72, § 5; 2011, No. 1218, § 5. substituted "four (4)" for "three (3)" in the introductory language of (a)(1) and in

Amendments. The 2011 amendment (a)(2); and inserted (a)(1)(D).

16-17-929. Mississippi County District Courts.

CASE NOTES

Judge's Authority.

Osceola District Court judge had jurisdiction to issue a search warrant for a residence in the Chickasawba District.

Wagner v. State, 2010 Ark. 389, 368 S.W.3d 914 (2010), rehearing denied, — S.W.3d —, 2010 Ark. LEXIS 612 (Ark. Dec. 2, 2010).

16-17-939. Conway County District Court.

(a)(1) Conway County shall have one (1) district court with four (4) departments:

- (A) One (1) located in Morrilton;
- (B) One (1) located in Menifee;
- (C) One (1) located in Oppelo; and
- (D) One (1) located in Plumerville.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Conway County District Court Judge shall be elected countywide.

(c) The Conway County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51; 2011, No. 1218, § 6. substituted "four (4)" for "three (3)" in the introductory language of (a)(1) and in

Amendments. The 2011 amendment (a)(2); and inserted (a)(1)(D).

16-17-951. Little River County District Court.

(a)(1) Little River County shall have one (1) district court with three (3) departments:

(A) One (1) located in Ashdown;

(B) One (1) located in Foreman; and

(C) One (1) located in Winthrop.

(2) Both departments are to be served by one (1) judge.

(b) The Little River County District Court Judge shall be elected countywide.

(c) The Little River County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51; substituted “three (3)” for “two (2)” in the 2011, No. 1218, § 7. introductory language of (a)(1); and in-

Amendments. The 2011 amendment inserted (a)(1)(C).

16-17-956. Perry County District Court.

(a)(1) Perry County shall have one (1) district court with two (2) departments located in Perryville.

(2) Both departments are to be served by one (1) judge.

(b) The Perry County District Court Judge shall be elected countywide.

(c) The Perry County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51; 2011, inserted “located in Perryville” in (a)(1); No. 1218, § 8. and deleted former (a)(1)(A) and (a)(1)(B).

Amendments. The 2011 amendment

16-17-957. Clark County District Court.

(a)(1) Clark County shall have one (1) district court with four (4) departments:

(A) One (1) located in Arkadelphia;

(B) One (1) located in Amity;

(C) One (1) located in Caddo Valley; and

(D) One (1) located in Gurdon.

(2) Both departments are to be served by one (1) judge.

(b) The Clark County District Court Judge shall be elected countywide.

(c) The Clark County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51; 2011, substituted “four (4)” for “two (2)” in the No. 1218, § 9. introductory language of (a)(1); and in-

Amendments. The 2011 amendment inserted (a)(1)(C) and (a)(1)(D).

SUBCHAPTER 11 — PILOT STATE DISTRICT COURTS

SECTION.

16-17-1101. Legislative findings.

16-17-1102. Definitions.

16-17-1103. [Repealed.]

16-17-1104. State district court judges — Salaries.

16-17-1106. Salary of state district court judges — Cost-sharing.

16-17-1107. Salary of judges serving city or county.

16-17-1108. Travel expense reimbursement.

SECTION.

16-17-1109. Jurisdiction.

16-17-1110. Organization and designation.

16-17-1111. Reorganization of local district courts to state district courts as of January 1, 2013.

16-17-1112. Reorganization of local district courts to state district courts as of January 1, 2017.

16-17-1101. Legislative findings.

The General Assembly finds that:

(1) The goal expressed by Arkansas citizens with the adoption of Amendment 80 to the Arkansas Constitution was the creation of a three-tiered unified court system;

(2) The current structure of limited jurisdiction courts consists of a combination of full-time and part-time district and city courts funded by city and county governments;

(3) Based on availability of local resources, the cumulative effect of the creation and funding of those courts by local governments has been an unequal level of access to and an inequitable distribution of judicial services to communities;

(4) While Amendment 80 to the Arkansas Constitution does not require the state to fund the district court system, there is a state interest in providing a more uniform level of judicial resources to all citizens of the state;

(5) Because the current system of limited jurisdiction courts is not uniform, it is contrary to the interest of the state to merely shift the funding of the system from local government to state government without addressing the structure of the district court system;

(6) A way of addressing the shortage of resources for circuit courts in some areas of the state is the expansion of the jurisdiction of the district court which will shift cases from circuit court to district court and reduce expenses for the state;

(7) A state-funded system should include an analysis by the state that furthers the goal of a unified and equitable system for the delivery of judicial services;

(8) The District Court Resource Assessment Board, created in § 16-17-1001 et seq., has studied the effectiveness of the state's creation of pilot district courts and found that they are successful in creating a more uniform and equitable judicial system, reducing the number of district and city court judges, maintaining the level of service to the communities served by district and city courts, allowing the shift of cases from circuit to district courts, decreasing the number of conflicts

requiring the appointment of special judges, and improving public access to the court system;

(9) The state should continue the incremental creation of state district courts served by full-time judges and designate geographic districts that have sufficient caseloads to justify a full-time judge until the system is implemented and operating statewide on January 1, 2017; and

(10) For purposes of the program, cities and counties should keep one hundred percent (100%) of all their current revenue from fines and costs with the exception of the adjustment from the cost-sharing formula.

History. Acts 2007, No. 663, § 2; 2011, No. 1219, § 1.

Amendments. The 2011 amendment rewrote (8); inserted present (9) and re-

designated the remaining subdivision accordingly; and deleted “pilot” preceding “program” in (10).

16-17-1102. Definitions.

As used in this subchapter:

(1) “Department” means the physical location where sessions of court are held;

(2) “District” means the geographical area in which a state district court may exercise jurisdiction and from which a state district court judge is elected;

(3) “Division” means the designation of the judicial positions for case management or election purposes and does not refer to “subject matter divisions” under Arkansas Constitution, Amendment 80, § 7;

(4) “Local district court” includes a department of a district court;

(5)(A) “State district court” means a district court that is created by this subchapter and has:

(i) Criminal jurisdiction, as established by the General Assembly; and

(ii) Civil jurisdiction, as established by the Supreme Court.

(B) “State district court” includes a department of a state district court; and

(6) “State district court judge” means a full-time judge:

(A) Whose salary is paid by the state;

(B) Who is not engaged in the private practice of law; and

(C) Who is available for work in circuit court under rules adopted by the Supreme Court.

History. Acts 2007, No. 663, § 2; 2011, No. 1219, § 2.

Amendments. The 2011 amendment

deleted former (1) through (3) and inserted present (1) through (6).

16-17-1103. [Repealed.]

Publisher’s Notes. This section, concerning creation of pilot state district

court judgeships, was repealed by Acts 2011, No. 1219, § 3. The section was de-

rived from Acts 2007, No. 663, § 2; 2009, No. 345, § 3.

16-17-1104. State district court judges — Salaries.

(a) The judges who are appointed or elected to serve the courts created under this subchapter are state district court judges.

(b) The salaries of the state district court judges are uniform and shall be paid with moneys appropriated from the Constitutional Officers Fund, § 19-5-205, by the General Assembly.

History. Acts 2007, No. 663, § 2; 2009, No. 345, § 4; 2011, No. 1219, § 4.

Amendments. The 2011 amendment rewrote the section.

16-17-1106. Salary of state district court judges — Cost-sharing.

(a) The state shall pay the salary and benefits of state district court judges created under this subchapter.

(b)(1)(A) Each county and town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half ($\frac{1}{2}$) of the base salary established by law for state fiscal year 2009 for that district's state district court judge.

(B) The proportionate share is calculated as follows:

(i)(a) Determine the sum total of the base salary paid by each county and town or city in a district to that county and town or city's district court judge or city court judge for the calendar year immediately preceding the creation of the state district court judgeship; and

(b) Determine the proportion of the base salary of each county and town or city to the sum total base salary of the district; and

(ii) Each county and town or city shall pay to the state its proportionate share as determined in subdivision (b)(1)(B)(i)(a) of this section of one-half ($\frac{1}{2}$) of the base salary established by law for state fiscal year 2009 for each state district court judge in the district at the time the county and town or city had a state district court judgeship created.

(C) On a form provided by the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, each county and town or city in a district shall certify annually on or before October 31 the amount to be paid to the state for its share of one-half ($\frac{1}{2}$) of the salary as determined in this section for that district's state district court judge.

(2)(A) This section does not prohibit a county and town or city in a district in which a state district court judgeship is created under this subchapter from agreeing in writing on the amount to be paid to the state by the county and the town or city for its proportionate share of one-half ($\frac{1}{2}$) of the salary as determined in this section for that district's state district court judge.

(B) If a written agreement is reached under subdivision (b)(2)(A) of this section, the county and town or city shall submit on or before

October 31 a copy of that written agreement to the Administration of Justice Funds Section.

(c) The amount of the state district court judge's salary initially paid by the county and the town or city in a district and annually afterwards shall be the amount determined under subsection (b) of this section.

(d)(1) Beginning with its annual meeting of 2011, the quorum court in each county in a district in which a state district court judgeship is created under this subchapter and the council in each town or city in a district in which a state district court judgeship is created under this subchapter shall appropriate annually from its general revenues an amount sufficient to pay its share of the state district court judgeship salary allocated to it under subsection (b) of this section.

(2) The duty under subdivision (d)(1) of this section may be enforced in a court of competent jurisdiction.

(e) On or before December 15, 2011, and annually afterwards, the Administration of Justice Funds Section shall certify to the county and the town or city in each district the amount of its share of one-half ($\frac{1}{2}$) of the base salary established under subsection (b) of this section.

(f) On or before January 15, 2012, and annually afterwards, the county and the town or city shall remit to the Administration of Justice Funds Section for deposit in the Constitutional Officers Fund the sum necessary to fund its share of the base salary allocated to it under subsection (e) of this section.

History. Acts 2007, No. 663, § 2; 2011, No. 1219, § 5.

Amendments. The 2011 amendment rewrote the section.

16-17-1107. Salary of judges serving city or county.

This subchapter shall not in any way limit the power and authority of local district courts currently existing. Except for the state district court judgeships created under this subchapter, a judge serving in another full-time or part-time local district court position shall continue to be an employee of the cities or counties, or both, that he or she serves and shall be paid according to state law.

History. Acts 2007, No. 663, § 2; 2011, No. 1219, § 6.

Amendments. The 2011 amendment substituted "local district courts" for

"other district courts" and substituted "part-time local district court position" for "part-time district court position."

16-17-1108. Travel expense reimbursement.

(a) From the appropriation provided for the expenses of state district court judges, a state district court judge is authorized to be reimbursed for those travel expenses at the rate as authorized for state employees and for mileage at the rate established in the state travel regulations for state employees while traveling within the state in the performance of official duties.

(b) When a state or local district judge is appointed by the Chief Justice to hear a case or cases in a jurisdiction outside that in which he or she is elected, the judge shall be entitled to reimbursement for travel expenses and mileage as provided in subsection (a) of this section.

History. Acts 2009, No. 345, § 6; 2011, No. 274, § 8; 2011, No. 1219, § 7.

A.C.R.C. Notes. Acts 2011, No. 274, § 1, provided: "Legislative intent.

"(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

"(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

"(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification."

Amendments. The 2011 amendment by No. 274 deleted "pilot" twice preceding "state district court" in (a); and added (b).

The 2011 amendment by No. 1219 deleted "pilot" preceding "state district court" in two places.

16-17-1109. Jurisdiction.

(a)(1) State district courts are courts of limited jurisdiction with criminal jurisdiction as defined by the General Assembly and by Arkansas Constitution, Amendment 80, § 7, and civil jurisdiction as defined by the Supreme Court.

(2) State district courts may be given greater criminal and civil jurisdiction than that provided for local district courts, subject to the provisions of Arkansas Constitution, Amendment 80, §§ 7 and 10.

(b) Under rules prescribed by the Supreme Court, a state district court judge may hear cases filed in the circuit court that arise within the territorial jurisdiction of the state district court judge.

(c)(1) Under rules prescribed by the Supreme Court, a state district court judge may be assigned by the Chief Justice to hear cases outside the territorial jurisdiction of the court.

(2) When assigned, the state district court judge is entitled to the reimbursement of travel expenses under § 16-17-1108.

History. Acts 2011, No. 1219, § 8.

16-17-1110. Organization and designation.

The following pilot district courts which are in existence as of January 1, 2011, and being served by twenty-five (25) pilot district court judges shall continue operation as state district courts and shall hereinafter be organized and designated in the following numbered judicial districts:

(1)(A) The First District is composed of Benton County.

(B) The First District has thirteen (13) departments as follows:

(i) One (1) located in Rogers;

- (ii) One (1) located in Bentonville;
- (iii) One (1) located in Siloam Springs;
- (iv) One (1) located in Gentry;
- (v) One (1) located in Decatur;
- (vi) One (1) located in Bethel Heights;
- (vii) One (1) located in Cave Springs;
- (viii) One (1) located in Centerton;
- (ix) One (1) located in Gravette;
- (x) One (1) located in Little Flock;
- (xi) One (1) located in Lowell;
- (xii) One (1) located in Pea Ridge; and
- (xiii) One (1) located in Sulphur Springs.

(C)(i) The district is served by four (4) state district court judges.

(ii) The judgeship which is presently held by Brad Karren shall hereinafter be designated as Division 1.

(iii) The judgeship which is presently held by John Skaggs shall hereinafter be designated as Division 2.

(iv) The judgeship which is presently held by Stephen Thomas shall hereinafter be designated as Division 3.

(v) The judgeship which is presently held by Jeff Conner shall hereinafter be designated as Division 4.

(D) The assignment of judges to departments under subdivision (1)(B) of this section is determined by the mutual agreement of the state district court judges.

(E) For the purpose of venue, the district court boundaries in Benton County are as follows:

(i) Division 1 — Rogers District Court:

(a) All of District 94, District 95, and District 96 of the House of Representatives as drawn by The Board of Apportionment in 2002;

(b) That part of District 98 of the House of Representatives as drawn by The Board of Apportionment in 2002 that is in Benton County Quorum Court District 1 as established by the Benton County Election Commission;

(c) That part of Benton County Quorum Court District 6 as established by the Benton County Election Commission that is in District 96 and District 98 of the House of Representatives as drawn by The Board of Apportionment in 2002; and

(d) All of precinct 43, precinct 44, and precinct 49 as they existed on January 1, 2011;

(ii) Division 2 — Bentonville District Court:

(a) All of District 7, District 8, District 9, and District 10 except for the now-existing precinct 22, of the Benton County Quorum Court as established by the Benton County Election Commission;

(b) All of District 99 of the House of Representatives as drawn by The Board of Apportionment in 2002 except for the now-existing precinct 43, precinct 44, and precinct 49; and

(c) All of precinct 45 as it existed on January 1, 2011;

(iii) Division 3 — Siloam Springs District Court:

(a) All of District 97 of the House of Representatives as drawn by The Board of Apportionment in 2002; and

(b) All of precinct 7, precinct 14, precinct 16, and precinct 17 as they existed on January 1, 2011; and

(iv) Division 4 — Benton County West District Court:

(a) All of Benton County Quorum Court District 11 as established by the Benton County Election Commission; and

(b) All of precinct 6, precinct 15, precinct 18, precinct 19, and precinct 22 as they existed on January 1, 2011.

(F) The First District judges are elected districtwide.

(G) The First District court has district-wide jurisdiction;

(2)(A) The Fourth District is composed of Boone County.

(B) Beginning January 1, 2017, the Fourth District shall be composed of the counties of Boone, Newton, and Searcy.

(C) The Fourth District has two (2) departments as follows:

(i) One (1) located in Alpena; and

(ii) One (1) located in Harrison.

(D) Beginning January 1, 2017, the Fourth District shall have two (2) additional departments as follows:

(i) One (1) located in Marshall; and

(ii) One (1) located in Jasper.

(E) The Fourth District is served by one (1) state district court judge.

(F) The Fourth District judge is elected districtwide.

(G) The Fourth District court has district-wide jurisdiction;

(3)(A) The Sixth District is composed of the Greenwood District of Sebastian County and the Fort Smith District of Sebastian County.

(B) The Greenwood District of Sebastian County has one (1) district court with one (1) judge and three (3) departments as follows:

(i) One (1) located in Greenwood;

(ii) One (1) located in Barling; and

(iii) One (1) located in Central City.

(C)(i) The Fort Smith District of Sebastian County has one (1) district court with three (3) departments and one (1) judge for each department.

(ii) The judgeship which is presently held by David Saxon shall hereinafter be designated Division 1.

(iii) The judgeship which is presently held by Ben Beland shall hereinafter be designated Division 2.

(iv) The judgeship which is presently held by Claire Borengasser shall hereinafter be designated Division 3.

(D) The judge of any district court in Sebastian County shall be elected by the electors of the judicial district in which the court is located.

(E) The jurisdiction of the district courts in Sebastian County shall be limited to the judicial district in which the court is located;

(4)(A) The Eighth District is composed of Pope County.

(B) The Eighth District has five (5) departments as follows:

- (i) One (1) located in Russellville;
- (ii) One (1) located in Atkins;
- (iii) One (1) located in Dover;
- (iv) One (1) located in London; and
- (v) One (1) located in Pottsville.

(C) The Eighth District is served by one (1) state district court judge.

(D) The Eighth District judge is elected districtwide.

(E) The Eighth District court has district-wide jurisdiction;

(5)(A) The Tenth District is composed of Baxter County.

(B) Beginning January 1, 2017, the Tenth District shall be composed of the counties of Baxter and Marion.

(C) The Tenth District has seven (7) departments as follows:

- (i) One (1) located in Briarcliff;
- (ii) One (1) located in Cotter;
- (iii) One (1) located in Gassville;
- (iv) One (1) located in Lakeview;
- (v) One (1) located in Mountain Home;
- (vi) One (1) located in Norfolk; and
- (vii) One (1) located in Salesville.

(D) Beginning January 1, 2017, the Tenth District shall have four (4) additional departments as follows:

- (i) One (1) located in Yellville;
- (ii) One (1) located in Bull Shoals;
- (iii) One (1) located in Flippin; and
- (iv) One (1) located in Summit.

(E) The Tenth District is served by one (1) state district court judge.

(F) The Tenth District judge is elected districtwide.

(G) The Tenth District court has district-wide jurisdiction;

(6)(A) The Thirteenth District is composed of Cleburne County.

(B) The Thirteenth District has four (4) departments as follows:

- (i) One (1) located in Heber Springs;
- (ii) One (1) located in Greers Ferry;
- (iii) One (1) located in Concord; and
- (iv) One (1) located in Quitman.

(C) The Thirteenth District is served by one (1) state district court judge.

(D) The Thirteenth District judge is elected districtwide.

(E) The Thirteenth District court has district-wide jurisdiction;

(7)(A) The Fourteenth District is composed of Independence County.

(B) The Fourteenth District has one (1) department located in Batesville.

(C) The Fourteenth District is served by one (1) state district court judge.

(D) The Fourteenth District judge is elected districtwide.

(E) The Fourteenth District court has district-wide jurisdiction;

(8)(A) The Seventeenth District is composed of Greene County.

(B) The Seventeenth District has two (2) departments as follows:

- (i) One (1) located in Paragould; and
- (ii) One (1) located in Marmaduke.

(C) The Seventeenth District is served by one (1) state district court judge.

(D) The Seventeenth District judge is elected districtwide.

(E) The Seventeenth District court has district-wide jurisdiction;

(9)(A) The Eighteenth District is composed of Mississippi County, Chickasawba District.

(B) Beginning January 1, 2021, the Eighteenth District shall be composed of Mississippi County.

(C) The Eighteenth District has five (5) departments as follows:

- (i) One (1) located in Blytheville;
- (ii) One (1) located in Manila;
- (iii) One (1) located in Leachville;
- (iv) One (1) located in Gosnell; and
- (v) One (1) located in Dell.

(D) Beginning January 1, 2021, the Eighteenth District shall have two (2) additional departments as follows:

- (i) One (1) located in Osceola; and
- (ii) One (1) located in Joiner.

(E) The Eighteenth District is served by one (1) state district court judge until January 1, 2021, when the district shall be served by two (2) district court judges.

(F) The Eighteenth District judges are elected districtwide.

(G) The Eighteenth District court has district-wide jurisdiction;

(10)(A) The Twentieth District is composed of Poinsett County.

(B) The Twentieth District has six (6) departments as follows:

- (i) One (1) located in Marked Tree;
- (ii) One (1) located in Trumann;
- (iii) One (1) located in Tyronza;
- (iv) One (1) located in Lepanto;
- (v) One (1) located in Harrisburg; and
- (vi) One (1) located in Weiner.

(C) The Twentieth District is served by one (1) state district court judge.

(D) The Twentieth District judge is elected districtwide.

(E) The Twentieth District court has district-wide jurisdiction;

(11)(A) The Twenty-Fifth District is composed of St. Francis County.

(B) The Twenty-Fifth District has three (3) departments as follows:

- (i) One (1) located in Forrest City;
- (ii) One (1) located in Madison; and
- (iii) One (1) located in Palestine.

(C) The Twenty-Fifth District is served by one (1) state district court judge.

(D) The Twenty-Fifth District judge is elected districtwide.

(E) The Twenty-Fifth District court has district-wide jurisdiction;

(12)(A) The Thirty-First District is composed of Pulaski County.

(B) The Thirty-First District has ten (10) departments until January 1, 2012, and thereafter shall have eleven (11) departments, as follows:

(i) One (1) located in Jacksonville, to be known as Jacksonville District Court;

(ii) Four (4) located in Little Rock, to be known as:

(a) Little Rock District Court — First Division;

(b) Little Rock District Court — Second Division;

(c) Little Rock District Court — Third Division; and

(d) Pulaski County District Court;

(iii) One (1) located in Maumelle, to be known as Maumelle District Court;

(iv) Two (2) located in North Little Rock, to be known as:

(a) North Little Rock District Court — First Division; and

(b) North Little Rock District Court — Second Division;

(v) One (1) located in Sherwood, to be known as Sherwood District Court;

(vi) One (1) located in Wrightsville, to be known as Wrightsville District Court; and

(vii) Effective January 1, 2012, subject to the provisions of § 16-17-1202, one (1) located in Cammack Village, to be known as Cammack Village District Court.

(C) From and after January 1, 2012, until January 1, 2017, subject to the provisions of § 16-17-1202, the Cammack Village District Court and the Wrightsville District Court shall be served by one (1) judge; otherwise, the provisions of subdivisions (12)(B)(i)-(vii) of this section will apply in the Thirty-First District.

(D) From July 27, 2011 until January 1, 2017, the Thirty-First District is served by four (4) state district judges and six (6) local district judges, as follows:

(i) The Jacksonville District Court is served by one (1) state district judge who is elected by the qualified electors of the city of Jacksonville and has territorial jurisdiction only within the city limits of Jacksonville;

(ii) The Little Rock District Court — First Division is served by one (1) local district judge who is elected by the qualified electors of the City of Little Rock and has territorial jurisdiction only within the city limits of Little Rock;

(iii) The Little Rock District Court — Second Division is served by one (1) local district judge who is elected by the qualified electors of the City of Little Rock and has territorial jurisdiction only within the city limits of Little Rock;

(iv) The Little Rock District Court — Third Division is served by one (1) local district judge who is elected by the qualified electors of the City of Little Rock and has territorial jurisdiction only within the city limits of Little Rock;

(v) The Maumelle District Court is served by one (1) local district judge who is elected by the qualified electors of the City of Maumelle

and has territorial jurisdiction only within the city limits of Maumelle;

(vi) The North Little Rock District Court — First Division is served by one (1) state district judge who is elected by the qualified electors of the City of North Little Rock and has territorial jurisdiction only within the city limits of North Little Rock;

(vii) The North Little Rock District Court — Second Division is served by one (1) state district judge who is elected by the qualified electors of the City of North Little Rock and has territorial jurisdiction only within the city limits of North Little Rock;

(viii) The Pulaski County District Court is served by one (1) state district judge who is elected districtwide and has district-wide territorial jurisdiction;

(ix) The Sherwood District Court is served by one (1) local district judge who is elected districtwide and has district-wide territorial jurisdiction; and

(x)(a) The Wrightsville District Court is served by one (1) local district judge who is elected districtwide and has district-wide territorial jurisdiction.

(b) From and after January 1, 2012, the Wrightsville District Court and the Cammack Village District Court are served by one (1) judge.

(E) Effective January 1, 2017, the Thirty-First District shall continue to have eleven (11) departments that shall be served by eight (8) state district judges. All the following judges shall be elected districtwide and shall have district-wide territorial jurisdiction:

(i) The Jacksonville District Court and the Maumelle District Court shall be served by one (1) judge;

(ii) The Little Rock District Court — First Division shall be served by one (1) judge;

(iii) The Little Rock District Court — Second Division shall be served by one (1) judge;

(iv) The Little Rock District Court — Third Division, the Wrightsville District Court, and the Cammack Village District Court shall be served by one (1) judge;

(v) The North Little Rock District Court — First Division shall be served by one (1) judge;

(vi) The North Little Rock District Court — Second Division shall be served by one (1) judge;

(vii) The Pulaski County District Court shall be served by one (1) judge; and

(viii) The Sherwood District Court shall be served by one (1) judge.

(F)(i) Any judge serving as a local district judge in the Thirty-First District whose base annual salary is paid by a city and whose base annual salary is more than the annual salary paid to a state district judge, upon becoming a state district judge, shall continue to be paid by the city the differential amount between his or her annual salary as of December 31, 2016, and the annual salary established by the state for a state district judge.

(ii) The differential amount as calculated as of December 31, 2016, shall continue as long as the judge continues to serve as a state district judge.

(iii) Upon leaving office of state district court judge, by retirement or otherwise, his or her successor shall be paid only the salary established for a state district judge without regard to the differential amount provided for in this section.

(13)(A) The Thirty-Second District is composed of Saline County and the City of Alexander in Pulaski County.

(B) The Thirty-Second District has six (6) departments as follows:

- (i) One (1) located in Benton;
- (ii) One (1) located in Bryant;
- (iii) One (1) located in Alexander;
- (iv) One (1) located in Bauxite;
- (v) One (1) located in Haskell; and
- (vi) One (1) located in Shannon Hills.

(C)(i) The Thirty-Second District is served by two (2) state district court judges.

(ii) The judgeship which is presently held by Mike Robinson shall hereinafter be designated as Division 1.

(iii) The judgeship which is presently held by Curtis Rickard shall hereinafter be designated Division 2.

(D) The assignment of judges to departments under subdivision (a)(12)(B) of this section is determined by the mutual agreement of the state district court judges.

(E) The Thirty-Second District judges are elected districtwide.

(F) The Thirty-Second District court has district-wide jurisdiction;

(14)(A) The Thirty-Fifth District is composed of Union County.

(B) The Thirty-Fifth District has one (1) department located in El Dorado and one (1) state district court judge.

(C) The Thirty-Fifth District judge is elected districtwide.

(D) The Thirty-Fifth District court has district-wide jurisdiction; and

(15)(A) The Thirty-Seventh District is composed of Miller County.

(B) Beginning January 1, 2017, the Thirty-Seventh District shall be composed of the counties of Miller and Lafayette.

(C) The Thirty-Seventh District shall have two (2) departments located in Texarkana.

(D) Beginning January 1, 2017, the Thirty-Seventh District shall have three (3) additional departments as follows:

- (i) One (1) located in Lewisville;
- (ii) One (1) located in Bradley; and
- (iii) One (1) located in Stamps.

(E) The Thirty-Seventh District is served by one (1) state district court judge.

(F) The Thirty-Seventh District judge is elected districtwide.

(G) The Thirty-Seventh District court has district-wide jurisdiction.

History. Acts 2011, No. 1219, § 9. trict courts in consultation with the Administrative Office of the Courts.
A.C.R.C. Notes. Minor corrections were made to the designations of the dis-

16-17-1111. Reorganization of local district courts to state district courts as of January 1, 2013.

(a)(1) Beginning January 1, 2013, the following cities and counties that are currently served by local district courts under § 16-17-901 et seq. shall be reorganized as state district courts and served by a state district court judge.

(2) The new state district court judgeships created by this section shall become effective January 1, 2013, and shall be placed on the ballot to be elected in the 2012 nonpartisan judicial election from the newly constructed judicial district.

(3) The cities and counties which were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106 effective January 1, 2013.

(b)(1)(A) The Fifth District shall be composed of Crawford County.

(B) The Fifth District shall have five (5) departments as follows:

- (i) One (1) located in Van Buren;
- (ii) One (1) located in Mountainburg;
- (iii) One (1) located in Alma;
- (iv) One (1) located in Mulberry; and
- (v) One (1) located in Dyer.

(C) The Fifth District shall be served by one (1) state district court judge.

(D) The Fifth District judge shall be elected districtwide.

(E) The Fifth District court shall have district-wide jurisdiction.

(2)(A) The Ninth District shall be composed of the counties of Faulkner and Van Buren.

(B) The Ninth District shall have eight (8) departments as follows:

- (i) One (1) located in Conway;
- (ii) One (1) located in Greenbrier;
- (iii) One (1) located in Guy;
- (iv) One (1) located in Mayflower;
- (v) One (1) located in Mount Vernon;
- (vi) One (1) located in Vilonia;
- (vii) One (1) located in Clinton; and
- (viii) One (1) located in Damascus.

(C) The Ninth District shall be served by two (2) state district court judges:

(i) One (1) judgeship first to be elected in 2012 and to become effective January 1, 2013, shall be designated as Division 1; and

(ii) One (1) judgeship first to be elected in 2012 and to become effective January 1, 2013, shall be designated as Division 2.

(D) The assignment of judges to departments under subdivision (b)(2)(B) of this section shall be determined by the mutual agreement of the state district court judges.

(E) The Ninth District judges shall be elected districtwide.

(F) The Ninth District court shall have district-wide jurisdiction.

(3)(A) The Nineteenth District shall be composed of Craighead County.

(B) The Nineteenth District shall have two (2) departments as follows:

(i) One (1) department located in Jonesboro; and

(ii) One (1) department located in Lake City.

(C) The Nineteenth District shall be served by two (2) state district court judges:

(i) One (1) judgeship first to be elected in 2012 and to become effective January 1, 2013, shall be designated as Division 1; and

(ii) One (1) judgeship first to be elected in 2012 and to become effective January 1, 2013, shall be designated as Division 2.

(D) The Nineteenth District judges shall be elected districtwide.

(E) The Nineteenth District court shall have district-wide jurisdiction.

(4)(A) The Twenty-First District shall be composed of Crittenden County.

(B) The Twenty-First District shall have eight (8) departments as follows:

(i) One (1) located in Earle;

(ii) One (1) located in Gilmore;

(iii) One (1) located in Jennette;

(iv) One (1) located in Jericho;

(v) One (1) located in Marion;

(vi) One (1) located in Sunset;

(vii) One (1) located in Turrell; and

(viii) One (1) located in West Memphis.

(C) The Twenty-First District shall be served by one (1) state district court judge.

(D) The Twenty-First District judge shall be elected districtwide.

(E) The Twenty-First District court shall have district-wide jurisdiction.

(5)(A) The Twenty-Third District shall be composed of White County.

(B) Beginning January 1, 2017, the Twenty-Third District shall be composed of the counties of White and Prairie.

(C) The Twenty-Third District shall have nine (9) departments as follows:

(i) One (1) located in Beebe;

(ii) One (1) located in Searcy;

(iii) One (1) located in Bald Knob;

(iv) One (1) located in Bradford;

(v) One (1) located in Judsonia;

(vi) One (1) located in McRae;

(vii) One (1) located in Kensett;

(viii) One (1) located in Pangburn; and

(ix) One (1) located in Rose Bud.

(D) Beginning January 1, 2017, the Twenty-Third District shall have four (4) additional departments as follows:

- (i) One (1) located in Des Arc;
- (ii) One (1) located in Hazen;
- (iii) One (1) located in Biscoe; and
- (iv) One (1) located in De Valls Bluff.

(E) The Twenty-Third District shall be served by two (2) state district court judges.

(F) The Twenty-Third District judges shall be elected districtwide.

(G) The Twenty-Third District court shall have district-wide jurisdiction.

(6)(A) The Twenty-Ninth District shall be composed of Jefferson County.

(B) Beginning January 1, 2017, the Twenty-Ninth District shall be composed of the counties of Jefferson and Lincoln.

(C) The Twenty-Ninth District shall have six (6) departments as follows:

- (i) One (1) located in Pine Bluff;
- (ii) One (1) located in Altheimer;
- (iii) One (1) located in Humphrey;
- (iv) One (1) located in White Hall;
- (v) One (1) located in Wabbaseka; and
- (vi) One (1) located in Redfield.

(D) Beginning January 1, 2017, the Twenty-Ninth District shall have three (3) additional departments as follows:

- (i) One (1) located in Star City;
- (ii) One (1) located in Grady; and
- (iii) One (1) located in Gould.

(E) The Twenty-Ninth District shall be served by two (2) state district court judges:

(i) One (1) judgeship first to be elected in 2012 and to become effective January 1, 2013, shall be designated as Division 1; and

(ii) One (1) judgeship first to be elected in 2012 and to become effective January 1, 2013, shall be designated as Division 2.

(F)(i) Beginning January 1, 2017, the Twenty-Ninth District shall be served by three (3) state district court judges.

(ii) The judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 3.

(G) The assignment of judges to departments under subdivisions (b)(5)(C) and (D) of this section shall be determined by the mutual agreement of the state's district court judges.

(H) The Twenty-Ninth District judge shall be elected districtwide.

(I) The Twenty-Ninth District court shall have district-wide jurisdiction.

(7)(A) The Thirty-Fourth District shall be composed of Calhoun, Cleveland, and Dallas counties.

(B) The Thirty-Fourth District shall have four (4) departments as follows:

- (i) One (1) located in Hampton;
- (ii) One (1) located in Rison;
- (iii) One (1) located in Fordyce; and
- (iv) One (1) located in Sparkman.

(C) The Thirty-Fourth District shall be served by one (1) state district court judge.

(D) The Thirty-Fourth District judge shall be elected districtwide.

(E) The Thirty-Fourth District court shall have district-wide jurisdiction.

(8)(A) The Thirty-Eighth District shall be composed of the counties of Hempstead and Nevada.

(B) The Thirty-Eighth District shall have two (2) departments as follows:

- (i) One (1) located in Hope; and
- (ii) One (1) located in Prescott.

(C) The Thirty-Eighth District shall be served by one (1) state district court judge.

(D) The Thirty-Eighth District judge shall be elected districtwide.

(E) The Thirty-Eighth District court shall have district-wide jurisdiction.

(9)(A) The Fortieth District shall be composed of Clark County.

(B) The Fortieth District shall have four (4) departments as follows:

- (i) One (1) located in Arkadelphia;
- (ii) One (1) located in Amity;
- (iii) One (1) located in Caddo Valley; and
- (iv) One (1) located in Gurdon.

(C) The Fortieth District shall be served by one (1) state district court judge.

(D) The Fortieth District judge shall be elected districtwide.

(E) The Fortieth District court shall have district-wide jurisdiction.

History. Acts 2011, No. 1219, § 10.

16-17-1112. Reorganization of local district courts to state district courts as of January 1, 2017.

(a)(1) Beginning January 1, 2017, the following cities and counties that are currently served by local district courts pursuant to § 16-17-901 et seq. shall be reorganized as state district courts and served by a state district court judge.

(2) The new state district court judgeships created by this section shall become effective January 1, 2017, and shall be placed on the ballot to be elected in the 2016 nonpartisan judicial election from the newly constructed judicial district.

(3) The cities and counties which were previously served by local district courts and will be served by state district courts shall comply

with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2017.

(b)(1)(A) The Second District shall be composed of Washington County and the city limits of Springdale as of January 1, 2011, including that portion of the City of Springdale which extends into Benton County.

(B) The Second District shall have ten (10) departments as follows:

- (i) One (1) located in Springdale;
- (ii) One (1) located in Elm Springs;
- (iii) One (1) located in Johnson;
- (iv) One (1) located in Fayetteville;
- (v) One (1) located in Elkins;
- (vi) One (1) located in West Fork;
- (vii) One (1) located in Greenland;
- (viii) One (1) located in Prairie Grove;
- (ix) One (1) located in Lincoln; and
- (x) One (1) located in Farmington.

(C) The Second District shall be served by four (4) state district court judges;

(i) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 1;

(ii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 2;

(iii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 3; and

(iv) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 4.

(D) The presiding judge of the departments under subdivision (b)(3)(B) of this section shall be determined by the mutual agreement of the state district court judges.

(E) The Second District judges shall be elected districtwide.

(F) The Second District court shall have district-wide jurisdiction.

(2)(A) The Third District shall be composed of the counties of Carroll and Madison.

(B) The Third District shall have three (3) departments as follows:

- (i) One (1) located in Berryville;
- (ii) One (1) located in Eureka Springs; and
- (iii) One (1) located in Huntsville.

(C) The Third District shall be served by one (1) state district court judge.

(D) The Third District judge shall be elected districtwide.

(E) The Third District court shall have district-wide jurisdiction.

(3)(A) The Seventh District shall be composed of the counties of Franklin and Johnson.

(B) The Seventh District shall have six (6) departments as follows:

- (i) One (1) located in Charleston;
- (ii) One (1) located in Ozark;
- (iii) One (1) located in Altus;

- (iv) One (1) located in Clarksville;
- (v) One (1) located in Coal Hill; and
- (vi) One (1) located in Lamar.

(C) The Seventh District shall be served by one (1) state district court judge.

(D) The Seventh District judge shall be elected districtwide.

(E) The Seventh District court shall have district-wide jurisdiction.

(4)(A) The Twenty-Seventh District shall be composed of the counties of Desha and Chicot.

(B) The Twenty-Seventh District shall have five (5) departments as follows:

- (i) One (1) located in Dermott;
- (ii) One (1) located in Eudora;
- (iii) One (1) located in Lake Village;
- (iv) One (1) located in Dumas; and
- (v) One (1) located in McGehee.

(C) The Twenty-Seventh District shall be served by one (1) state district court judge.

(D) The Twenty-Seventh District judge shall be elected districtwide.

(E) The Twenty-Seventh District court shall have district-wide jurisdiction.

(5)(A) The Thirtieth District shall be composed of Lonoke County.

(B) The Thirtieth District shall have seven (7) departments as follows:

- (i) One (1) located in Cabot;
- (ii) One (1) located in Ward;
- (iii) One (1) located in Austin;
- (iv) One (1) located in Lonoke;
- (v) One (1) located in England;
- (vi) One (1) located in Carlisle; and
- (vii) One (1) located in Allport.

(C) The Thirtieth District shall be served by one (1) state district court judge.

(D) The Thirtieth District judge shall be elected districtwide.

(E) The Thirtieth District court shall have district-wide jurisdiction.

(6)(A) The Forty-First District shall be composed of Garland County.

(B) The Forty-First District shall have three (3) departments as follows:

- (i) Two (2) located in Hot Springs; and
- (ii) One (1) located in Mountain Pine.

(C) The Forty-First District shall be served by two (2) state district court judges.

(D) The Forty-First District judges shall be elected districtwide.

(E) The Forty-First District court shall have district-wide jurisdiction.

(7)(A) The Thirty-Third District shall be composed of the counties of Grant and Hot Spring.

(B) The Thirty-Third District shall have five (5) departments as follows:

- (i) One (1) located in Sheridan;
- (ii) One (1) located in Malvern;
- (iii) One (1) located in Donaldson;
- (iv) One (1) located in Friendship; and
- (v) One (1) located in Rockport.

(C) The Thirty-Third District shall be served by one (1) state district court judge.

(D) The Thirty-Third District judge shall be elected districtwide.

(E) The Thirty-Third District court shall have district-wide jurisdiction.

History. Acts 2011, No. 1219, § 11; 2013, No. 1489, § 1.

A.C.R.C. Notes. Minor corrections were made to the designations of the dis-

trict courts in consultation with the Administrative Office of the Courts.

Amendments. The 2013 amendment added (b)(7).

SUBCHAPTER 12 — CITY COURT CONSOLIDATION

SECTION.

16-17-1202. Consolidation of city courts with district courts.

SECTION.

16-17-1203. Procedure for expense cost sharing.

16-17-1202. Consolidation of city courts with district courts.

(a) As used in this subchapter, “district court” shall include a department of a district court.

(b)(1) Effective January 1, 2012, all city courts shall be consolidated with district courts and continue to exist as departments of district courts unless a city court is abolished by town or city ordinance pursuant to this subchapter.

(2) A city court formerly known as the “_____ City Court” shall be redesignated as the “_____ District Court, _____ Department”.

(c)(1) A district court that has a department or departments shall maintain a docket in each department and set court dates for hearing the docket in the town or city in which the department is located, as required by the Arkansas District Courts Accounting Law, § 16-10-201 et seq.

(2) By common agreement, a district court and the town or city where the department of the district court is located may provide locations and dates for hearing the docket.

(d)(1)(A) A town or city that prior to January 1, 2012, operated a city court that becomes a department of a district court may by ordinance of the town or city in which the department is located abolish the department of district court.

(B) A copy of the ordinance abolishing the department of a district court shall be sent to the Administrative Office of the Courts.

(2)(A) On and after the effective date of the ordinance abolishing the department of a district court, the nearest district court in the county shall be regarded as a continuation of the department of district court that was abolished.

(B) All papers and records pertaining to a department of a district court abolished by ordinance shall be transferred to the appropriate district court, and no suit or prosecution of any kind or nature shall abate because of any change made by this subchapter.

(C) Except as modified in accordance with this subchapter, any of the following existing on the effective date of the ordinance abolishing the department of a district court shall continue unaffected:

- (i) A writ;
- (ii) An action;
- (iii) A suit;
- (iv) A proceeding;
- (v) Civil liability;
- (vi) Criminal liability;
- (vii) A prosecution;
- (viii) A judgment;
- (ix) A decree;
- (x) An order;
- (xi) A sentence;
- (xii) A regulation;
- (xiii) A cause of action; and
- (xiv) An appeal.

(e) No town or city shall have the authority to reinstate a department of district court abolished by ordinance.

History. Acts 2007, No. 663, § 16; 2011, No. 1218, § 10.

Amendments. The 2011 amendment deleted the last sentence in (d)(2)(A).

16-17-1203. Procedure for expense cost sharing.

(a)(1)(A) Any town or city that has a police department but does not have a district court may contribute to the operational expenses of the nearest district court in the county where the town or city is located pursuant to a written agreement.

(B) A written agreement is mandatory and is to be entered into between the governing body of the town or city and the governing bodies of the political subdivisions that contribute to the operational expenses of the district court.

(2)(A) The contribution to the operational expenses of a district court described in subdivision (a)(1) of this section shall be a prorated amount based on the number of cases filed in the district court from each of the towns and cities and the county during the preceding calendar year.

(B) The prorated amount of operational expenses shall apply to all fines, fees, and costs not obligated under law that are collected pursuant to § 16-13-701 et seq. in all:

(i) Nontraffic cases that are misdemeanors or violations of a town or city ordinance;

(ii) Cases that are misdemeanors or violations under state law; and

(iii) Traffic offenses that are misdemeanors or violations under state law or town or city ordinance committed within the corporate limits of a town or city that is a party to an agreement described in subdivision (a)(1) of this section.

(b) Apportionment of the costs of a district court shall be by order of the district court upon certification of the cases filed by the clerk of the district court.

(c) On and after the effective date of the agreement described in subdivision (a)(1) of this section, all fines, fees, penalties, and costs received by a town or city that is a party to the agreement shall be collected and distributed in the manner provided by laws affecting district courts.

History. Acts 2007, No. 663, § 16; 2009, No. 411, § 3.

Publisher's Notes. This section is being set out to reflect an amendment by Acts 2009, No. 411, § 3 which was omitted from the 2010 bound volume.

Amendments. The 2009 amendment divided former (a)(1) into (a)(1)(A) and (B); and added "A written agreement is mandatory and is to be" to the beginning of (a)(1)(B).

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

